



Public Service Commission

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REGULATORY AND REPORTING

DATE: OCTOBER 22, 1998

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYQ)

FROM: DIVISION OF COMMUNICATIONS (ISLER) *PJC*
DIVISION OF LEGAL SERVICES (K. PEÑA) *vmp MCB*

RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

- DOCKET NO. 981130-TC - BLACKSTONE COMMUNICATIONS COMPANY
- DOCKET NO. 981131-TC - LEE/RAINE, INCORPORATED D/B/A SOUTHEASTERN TELECOM
- DOCKET NO. 981132-TC - NORTH AMERICAN TELEPHONE-TPA., INC.
- DOCKET NO. 981133-TC - RICHARD P. WASILEWSKI
- DOCKET NO. 981140-TC - WILSON DE GOUVEIA
- DOCKET NO. 981141-TC - LIBORIO MALDONADO D/B/A ATLANTIC COAST

AGENDA: 11/03/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981130.RCM

CASE BACKGROUND

1.) Docket #981130-TC - Blackstone Communications Company - This company obtained Certificate Number 4146 on April 28, 1995. On December 11, 1997, the Division of Administration sent the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the receipt which showed the notice was signed for and delivered on December 13, 1997. The Division of Administration notified staff on August 17,

DOCUMENT NUMBER-DATE

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FPS-RECORDS/REPORTING

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1998, that this company did not pay its 1996 and 1997 RAFs, plus statutory penalties and interest for the years 1996 and 1997. As of October 13, 1998, Blackstone Communications Company has not paid the past due amount.

2.) Docket #981131-TC - Lee/Raine, Incorporated d/b/a Southeastern Telecom - This company obtained Certificate Number 4140 on April 28, 1995. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the receipt which showed the notice was signed for and delivered on December 13, 1997. The Division of Administration notified staff on August 17, 1998, that this company did not pay its 1996 and 1997 RAFs, plus statutory penalties and interest for the years 1996 and 1997. As of October 13, 1998, Southeastern Telecom has not paid the past due amount.

3.) Docket #981132-TC - North American Telephone-Tpa., Inc. - This company obtained Certificate Number 4139 on April 28, 1995. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the receipt which showed the notice was signed for and delivered on December 15, 1997. The Division of Administration notified staff on August 17, 1998, that this company did not pay its 1997 RAFs, plus statutory penalties and interest for the year 1997. As of October 13, 1998, North American Telephone-Tpa., Inc. has not paid the past due amount.

4.) Docket #981133-TC - Richard P. Wasilewski - This company obtained Certificate Number 4128 on April 15, 1995. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the receipt which showed the notice was signed for and delivered on December 13, 1997. The Division of Administration notified staff on August 17, 1998, that this company did not pay its 1997 RAFs, plus statutory penalties and interest for the years 1996 and 1997. As of October 13, 1998, Richard P. Wasilewski has not paid the past due amount.

5.) Docket #981140-TC - Wilson De Gouveia - This company obtained Certificate Number 4213 on July 25, 1995. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the receipt which showed the notice was signed for and delivered on December 20, 1997. The Division of Administration notified staff on September 14, 1998, that this company did not pay its 1997 RAFs, plus statutory penalties and interest for the year 1997. As of October 13, 1998, Wilson De Gouveia has not paid the past due amount.

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6.) Docket #981141-TC - Liborio Maldonado d/b/a Atlantic Coast - This company obtained Certificate Number 4193 on July 12, 1995. On December 11, 1997, the Division of Administration sent the 1997 RAF notice by certified mail. The USPS returned the receipt which showed the notice was signed for and delivered on December 13, 1997. The Division of Administration notified staff on September 14, 1998, that this company did not pay its 1997 RAFs, plus statutory penalties and interest for the year 1997. As of October 13, 1998, Atlantic Coast has not paid the past due amount.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel the pay telephone certificates issued to each company listed on page 5 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalties and interest, are not received by the Commission within five business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the pay telephone certificate numbers listed on page 5 should be canceled. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, requires the payment of regulatory assessment fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

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Staff was notified by the Division of Administration that each of the pay telephone providers listed on page 5 had not paid their 1997 regulatory assessment fees, plus statutory penalties and interest. Therefore, the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

Accordingly, staff recommends that the Commission assess a \$500 fine for failure to comply with the Commission rules or cancel the companies respective certificate numbers if the fine and the regulatory assessment fees, along with statutory penalties and interest, are not paid within five business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalties and interest, are not received, the certificate numbers listed on page 5 should be canceled.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines and fees, or cancellation of the certificate, these dockets should be closed. (K. Peña)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, these dockets should be closed upon payment of the fines and fees, or upon cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERTIFICATE NO.</u>
981130-TC	Blackstone Communications Company	4146
981131-TC	Lee/Raine, Incorporated d/b/a Southeastern Telecom	4140
981132-TC	North American Telephone-Tpa., Inc.	4139
981133-TC	Richard P. Wasilewski	4128
981140-TC	Wilson De Gouveia	4213
981141-TC	Liborio Maldonado d/b/a Atlantic Coast	4193