



Public Service Commission

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JUN - 4 1998

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FPSC - Records/Reporting

DATE: JUNE 4, 1998

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

FROM: DIVISION OF COMMUNICATIONS (BIEGALSKI) *KB RAT*
DIVISION OF ADMINISTRATION (LAKE) *SA*
DIVISION OF LEGAL SERVICES (COX) *RC MCB*

RE: DOCKET NO. 971245-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 212 ISSUED TO JAMES N. JOHNSON FOR VIOLATION OF RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEES.

AGENDA: 06/16/98 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\971245.RCM

CASE BACKGROUND

On October 23, 1997, staff filed a recommendation to cancel Mr. Johnson's certificate for nonpayment of regulatory assessment fees for the years 1992 and 1993. By Notice of Proposed Agency Action Order No. PSC-98-0071-PCO-TC (PAA Order), issued November 14, 1997, in Docket No. 971245-TC, the Commission approved staff's recommendation. On December 2, 1997, Mr. Johnson timely filed a letter protesting the PAA Order and requesting a hearing on this matter. However, on June 1, 1998, Mr. Johnson submitted an offer to settle the case. (Attachment A, Page 4) Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER - DATE

06017 JUN -4 98

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by James N. Johnson to resolve the apparent violations of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees?

RECOMMENDATION: Yes. The Commission should accept Mr. Johnson's proposed settlement offer as resolution of the apparent violations of Rule 25-4.0161. (Biegalski)

STAFF ANALYSIS: As the outcome of several discussions between staff and Mr. Johnson, he proposed a settlement that can be summarized as follows:

- Mr. Johnson will voluntarily give up his pay telephone certificate;
- Mr. Johnson will not reapply for certification for a period of one year;
- Mr. Johnson will pay all past due regulatory assessment fees, including statutory penalties and interest in three equal installments on July 7, 1998, August 7, 1998 and on September 7, 1998.

Staff believes the terms of the settlement agreement as summarized in this recommendation are a fair and reasonable resolution of this matter. Accordingly, staff believes the Commission should accept the settlement offer.

DOCKET NO. 971245-TC
DATE: June 4, 1998

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation in Issue 1, this docket should remain open pending receipt of all past due regulatory assessment fees, including statutory penalties and interest. Upon receipt of all past due fees, this docket may be closed. (Cox)

STAFF ANALYSIS: If staff's recommendation in Issue 1 is approved, this docket should remain open pending receipt of all past due regulatory assessment fees, including statutory penalties and interest. Upon receipt of all past due fees, this docket may be closed.

Before The Public Service Commission

In RE: Cancellation By Florida
Public Service Commission of Pay
Telephone Certificate No 212
Issued to James N. Johnson
FOR Violation of Rule 25-4
0161 F.A.C. Regulatory
Assessment Fees

Docket No:
971245-TC

June 1, 1998

Settlement Proposal.

1. This is a settlement proposal. This is not an admission of guilt, wrongdoing or violation of any commission rule or law. This is an attempt to resolve this issue.
2. I voluntarily give up my payphone certificate.
3. I will not reapply for a period of 1 year.
4. I was recently informed that I owe \$75.00 in fees etc. I will pay \$25.00 on 7/7/98; 8/7/98 and 9/7/98.

James N. Johnson
June 1, 1998