

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

DATE: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *DK*  
DIVISION OF LEGAL SERVICES (K. PEÑA) *mmf mcb*

RE: DOCKET NO. 981219-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS CERTIFICATE NO. 4362 ISSUED TO NU-WAY TELECO, INC., FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS.

AGENDA: 03/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981219.RCM

### CASE BACKGROUND

Nu-Way Teleco, Inc. obtained Florida Public Service Commission Pay Telephone Certificate No. 4362 on January 6, 1996.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the receipt, which showed the RAF notice was signed for and delivered on December 15, 1997.

The Division of Administration advised staff by memorandum that this company had not paid its 1997 RAF, plus the 1997 statutory penalty and interest charges.

DOCUMENT NUMBER-DATE

02731 MAR-3 99

FPSC-RECORDS/REPORTING

Staff called the telephone number listed in the Master Commission Directory for this company, but was unsuccessful in reaching the company. Staff then called Directory Assistance, but no new listing was provided.

On December 15, 1998, Order No. PSC-98-1693-FOF-TC was issued. The Commission ordered the company to provide staff with its correct address and telephone number, pay the past due charges, pay a \$1,000 fine, or have its certificate canceled.

On December 23, 1998, Mr. Michel LaFleur called staff and advised that he wanted to keep his certificate, would pay the past due amount, and would make a settlement offer. In addition, he provided the Commission with his correct address and telephone number. The Division of Administration's records show that the company paid the past due amount. The company responded to the Commission's Order by letter dated December 24, 1998, in which he proposed to pay future regulatory assessment fees by the due date of each year and offered a \$200 settlement to resolve this case. (ATTACHMENT A) Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Nu-Way Teleco, Inc., to resolve the apparent violations of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements?

**RECOMMENDATION:** Yes. The Commission should accept the company's settlement offer. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.205(1), Florida Statutes. (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.

The Division of Administration notified staff by memorandum that the company had not submitted the 1997 regulatory assessment fees, along with the 1997 statutory penalty and interest charges.

Staff attempted to call the company, but was unsuccessful in reaching the company or obtaining a new telephone listing from Directory Assistance for this company.

On December 15, 1998, Order No. PSC-98-1693-FOF-TC was issued. The Commission ordered the company to provide staff with its correct address and telephone number, pay the past due charges, pay a \$1,000 fine, or have its certificate canceled.

On December 23, 1998, Mr. Michel LaFleur, owner of Nu-Way, called staff and advised that he wanted to keep his certificate, would pay the past due amount, and would make a settlement offer. In addition, he provided the Commission with his correct address and telephone number. The Division of Administration's records show that the company paid the past due amount. The company responded to the Commission's Order by letter dated December 24, 1998, in which he proposed to pay future regulatory assessment fees by the due date of each year and offered a \$200 settlement to resolve this case. (ATTACHMENT A)

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

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ISSUE : Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$200 contribution, this docket should be closed. (K. Peña)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$200 contribution, this docket should be closed. The contribution should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes.

CMU

NU WAY TELECO  
211-B WEST MAIN ST  
IMMOKALEE FL 34142  
TO

RECEIVED

DEC 25 1998

CMU

DIRECTOR OF DIVISION OF  
RECORDS AND REPORTING  
TALLAHASSEE FL

12/24/98

DEAR DIRECTOR

I DO APOLOGIZE FOR NOT HAVING PAID MY FEE ON  
TIME THIS IS THE FIRST TIME I AM IN THIS SITUATION.  
I DO NOT WANT MY CERTIFICATE TO BE CAN  
CELLED.

I AM WILLING TO PAY A SETTLEMENT  
OF 200 DOLLARS AND I WILL PAY MY PAST DUE AND  
BY JANUARY THE EIGHT AS REQUIRED BY LAW -

NU-WAY TELECO INC.  
211-B West Main Street  
Immokalee, FL 33934

MY BEST REGARDS.

*Michel Lafleur*  
MICHEL A. LAFLEUR

PHONE 941-657-6046

FAX 941-657-2209

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- ACK \_\_\_\_\_
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