

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-

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DATE: MARCH 4, 1999

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *DK*  
DIVISION OF LEGAL SERVICES (WATTS) *NEB for CRW*

RE: DOCKET NO. 981276-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4519 ISSUED TO THE CLUB NETWORK OF NORTH FLORIDA, INC., FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981276.RCM

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#### CASE BACKGROUND

The Club Network of North Florida, Inc. obtained Florida Public Service Commission Pay Telephone Certificate No. 4519 on February 27, 1996.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. Staff received the return receipt from the United States Postal Service (USPS) which showed that the RAF notice was signed for and delivered on December 24, 1997.

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

DOCUMENT NUMBER DATE

02736 MAR-3 99

POSTED BY: [REDACTED] [REDACTED]

Order No. PSC-99-0030-FOF-TC was issued January 5, 1999, and imposed a \$500 fine or canceled the company's certificate for nonpayment of the 1997 regulatory assessment fees. After the Commission voted on this matter at the December 15, 1998 Agenda Conference but prior to the Order being issued, the company wrote a letter dated December 30, 1998, requesting voluntary cancellation of its certificate as it was no longer in the pay telephone business. The company advised that the 1998 regulatory assessment fees would be paid "prior to January 30, 1999." (ATTACHMENT A) The Division of Administration records show that the 1997 regulatory assessment fees, including statutory penalty and interest charges, were paid on December 28, 1998. However, Administration's records show that as of February 22, 1999, the company has not paid the 1998 RAFs as promised. Staff called the telephone number on file in the Master Commission Directory and received a recording that the number had been disconnected. Staff then called Directory Assistance, but no new number was provided. Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant The Club Network of North Florida, Inc. a voluntary cancellation of its pay telephone certificate number 4519?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of pay telephone certificate number 4519 with an effective date of December 31, 1998. The Commission should reinstate Order No. PSC-99-0030-FOF-TC as the final order. (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 this company had not submitted the regulatory assessment fees for 1997, along with statutory penalty and interest charges for the year 1997.

Order No. PSC-99-0030-FOF-TC was issued January 5, 1999, and imposed a \$500 fine or canceled the company's certificate for nonpayment of the 1997 regulatory assessment fees. After the Commission voted on this matter at the December 15, 1998 Agenda Conference but prior to the Order being issued, the company wrote a letter dated December 30, 1998, requesting voluntary cancellation of its certificate as it was no longer in the pay telephone business. The company advised that the 1998 regulatory assessment fees would be paid "prior to January 30, 1999." (ATTACHMENT A) The Division of Administration records show that the 1997 regulatory assessment fees, including statutory penalty and interest charges, were paid on December 28, 1998. However, Administration's records show that as of February 22, 1999, the company has not paid the 1998 RAFs as promised. Staff called the telephone number on file in the Master Commission Directory and received a recording that the number had been disconnected. Staff then called Directory Assistance, but no new number was provided.

Rule 25-24.514(2) (a) and (b) states:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be canceled.

The company responded to the Commission's Order by requesting voluntary cancellation of its certificate and stated its intent and date of payment. However, the company failed to follow through with its statement and staff has been unsuccessful in reaching the company. Accordingly, staff believes that the company's request for a voluntary cancellation of its pay telephone certificate should not be granted since the company did not comply with its promise to pay the 1998 RAFs and that Order No. PSC-99-0030-FOF-TC should be reinstated.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (Watts)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.

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ATTACHMENT A



*The Club Network*

585 Bowie Boulevard  
Orange Park, Florida 32073

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December 30, 1998

Ms Paula J. Isler  
Research Assistant  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

RECEIVED

JAN 05 1999

CMU

Dear Ms. Isler:

I wish to cancel my certificate as I am no longer in the pay phone business  
The certificate amount due for 1998 will be paid prior to January 30, 1999

Sincerely,

Daniel G. Blankenship

dls/DGB

c file

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