

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECEIVED-FPSC
99 NOV -3 PM 3:19
RECORDS AND REPORTING

DATE: NOVEMBER 4, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *DK*
DIVISION OF LEGAL SERVICES (K. PEÑA; BEDELL) *DK*

RE: DOCKET NO. 990902-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 721 ISSUED TO CENTRAL TELECOMMUNICATIONS CORP. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 11/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990902.RCM

CASE BACKGROUND

- **03/13/86** - This company obtained Florida Public Service Commission PATS Certificate No. 721.
- **12/10/98** - The Division of Administration mailed the regulatory assessment fee (RAF) notice. In accordance with Florida Statute 350.113(4), the Commission "shall provide each regulated company with written notice of the date that payment of the fee is due at least 45 days prior to such date", which would put the due date to February 1, 1999.
- **03/17/99** - The Division of Administration mailed a delinquent letter.

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FPSC-RECORDS/REPORTING

- **08/23/99** - A company representative called and requested information about this docket. Staff was advised that the company would pay the outstanding balance and either make a settlement offer or request voluntary cancellation of its certificate.
- **09/14/99** - The company paid the 1998 RAF, including statutory penalty and interest charges, plus the past due penalty and interest charges for 1996 and 1997, except \$.50. The company reported no revenues for the period ending December 31, 1998.
- **09/20/99** - Order No. PSC-99-1816-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate. The company had until October 11, 1999 to respond to the Order.
- **09/17/99** - The Commission received a letter from Mr. Melchor G. Alfonso, President, which proposed to pay a settlement of \$100 and pay future fees on a timely basis.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Central Telecommunications Corp. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively. (Isler)

STAFF ANALYSIS: After the August 31, 1999 Agenda Conference, but prior to Order No. PSC-99-1816-PAA-TC being issued on September 20, 1999, the company paid the past due amount in full except for a \$.50 balance. On September 17, 1999, Mr. Melchor Alfonso wrote staff and offered a settlement in the amount of \$100, proposed to pay future RAFs on a timely basis, and stated he would pay the \$.50 balance when he paid the \$100 settlement.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. 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. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively.

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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 upon receipt of the \$100 contribution or cancellation of the certificate. (K. Peña; Bedell)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.