

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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DATE: NOVEMBER 18, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *pic*
DIVISION OF LEGAL SERVICES (K. PEÑA; BEDELL) *BK per CB*

RE: DOCKET NO. 991067-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4590 ISSUED TO MAJOR COMMUNICATIONS CONSULTING, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 11/30/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991067.RCM

CASE BACKGROUND

- **04/20/96** - This company obtained Florida Public Service Commission PATS Certificate No. 4590.
- **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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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- **09/27/99** - Mr. Walter Jones, President, called staff and asked that the 1998 RAF form be faxed to him, along with information on how to resolve this docket.
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- **10/05/99** - The Commission voted at the Agenda Conference to impose a \$500 fine or cancel the company's certificate. Staff received the company's payment for the 1998 RAF, along with statutory penalty and interest charges, a letter from the company which included a \$100 proposed settlement, and advised that future fees would be paid on a timely basis. The company reported no revenues for the period ending 12/31/98.
 - **10/22/99** - Order No. PSC-99-2095-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Major Communications Consulting, Inc. 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. 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. (Isler)

STAFF ANALYSIS: Prior to Order No. PSC-99-2095-PAA-TC being issued on October 22, 1999, the Commission received the past due amount in full. In addition, the company included a check for a settlement in the amount of \$100 and proposed to pay future RAFs on a timely basis.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. 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 2: Should this docket be closed?

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

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.