

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:** SEPTEMBER 14, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *PIK*  
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAE DIC*

**RE:** CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 000967-TC - GOLDILOCKS INVESTMENTS, INCORPORATED D/B/A GOLDIPHONES  
DOCKET NO. 000970-TC - K.C.S. COMMUNICATIONS, INC.  
DOCKET NO. 000975-TC - GRACE I. FALCO  
DOCKET NO. 000977-TC - TELE, INC.  
DOCKET NO. 000978-TC - THOMAS LEE LOGSTON D/B/A LOGSTON VENDING  
DOCKET NO. 000981-TC - UNIVERSAL CITY FLORIDA PARTNERS D/B/A UNIVERSAL STUDIOS FLORIDA  
DOCKET NO. 000996-TC - ERAZO TELCOMM INC.  
DOCKET NO. 000997-TC - SEACLEAN USA INC.

**AGENDA:** 09/26/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\000967.RCM

## CASE BACKGROUND

Each of the certificated pay telephone providers listed on page 5 were mailed the 1999 Regulatory Assessment Fee (RAF) notice. When full payment had not been received by the due date, the Division of Administration mailed a delinquent letter to the

DOCUMENT NUMBER-DATE

11320 SEP 12 8

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companies. As of September 5, 2000, none of the companies have paid the past due amounts.

Staff believes the following recommendations are appropriate.

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### **DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on page 5 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the pay telephone certificate numbers listed on page 5 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. (Isler)

**STAFF ANALYSIS:** Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.514, Florida Administrative Code, establishes the requirements for cancellation of a pay telephone company certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, 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's records show that each of the pay telephone providers listed on page 5 had not paid its 1999 regulatory assessment fees, plus statutory penalty and interest charges. Therefore, it appears the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies and have not requested cancellation of their certificates in compliance with

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Rule 25-24.514, Florida Administrative Code. This fine is consistent with amounts used for recent, similar violations.

Accordingly, staff recommends that the Commission should impose a \$500 fine or cancel each company's certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the pay telephone certificate numbers listed on page 5 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** Yes, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. (Elliott)

**STAFF ANALYSIS:** Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES &amp; PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>RAFs</u>	<u>P and I</u>
000967-TC	Goldiphones 1998 Revenues - \$35,520.89 For the Period Ended 12/31/98	4356	1999	1999
000970-TC	K.C.S. Communications, Inc. 1998 Revenues - \$0 For the Period Ended 12/31/98	4616	1999	1996 1998 1999
000975-TC	Grace I. Falco 1998 Revenues - \$0 For the Period Ended 12/31/98	4918	1999	1997 1998 1999
000977-TC	Tele, Inc. 1998 Revenues - \$0 For the Period Ended 12/31/98	4929	1999	1996 1999
000978-TC	Logston Vending 1998 Revenues - \$0 For the Period Ended 12/31/98	4887	1999	1999
000981-TC	Universal Studios Florida 1998 Revenues - \$0 For the Period Ended 12/31/98	4970	1999	1996 1998 1999
000996-TC	Erazo Telcomm Inc. 1998 Revenues - \$17,811.40 For the Period Ended 12/31/98	4999	1999	1996 1999
000997-TC	Seaclean USA inc. 1998 Revenues - (\$616.68) For the Period Ended 12/31/98	5004	1999	1999