

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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SEP 23 PM 6:15  
RECORDS AND REPORTING

**DATE:** SEPTEMBER 24, 1998

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

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *Pri*  
DIVISION OF LEGAL SERVICES (WATTS) *COV mib*

**RE:** DOCKET NO. 981105-TC - REQUEST FOR CANCELLATION OF PAY TELEPHONE CERTIFICATE NO. 1255 BY NATIONAL MERCHANDISE CO., INC., EFFECTIVE 1/31/97.

**AGENDA:** 10/06/98 - REGULAR AGENDA

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\981105.RCM

### CASE BACKGROUND

National Merchandise Co., Inc., obtained Florida Public Service Commission Pay Telephone Certificate Number 1255 on October 4, 1986.

On December 11, 1997, the Division of Administration mailed the regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the receipt which showed that the notice was signed for and delivered on December 15, 1997. The Division of Administration advised staff that National had not paid its 1997 RAFs, plus statutory penalties and interest for the years 1992, 1996, and 1997.

Staff called and corresponded with the company. The company advised that when its 1996 RAFs were paid, a letter was enclosed requesting cancellation of its certificate since it was no longer

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in the pay telephone business. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission cancel the pay telephone certificate issued to National Merchandise Co., Inc., with an effective date of January 31, 1997?

**RECOMMENDATION:** Yes. The Commission should cancel National Merchandise Co., Inc.'s pay telephone certificate number 1255, effective January 31, 1997. (Isler)

**STAFF ANALYSIS:** Rule 25-24.514(2)(a) and (b), Florida Administrative Code, Cancellation of a Certificate, 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.

On December 11, 1997, the Division of Administration mailed the 1997 RAF notice to National. The USPS returned the receipt which showed the notice was signed for and delivered on December 15, 1997. In April 1998, staff was advised that National had not paid its 1997 RAFs. Staff called National and was advised that it had not owned any pay telephones since 1996 and had requested that its certificate be canceled by letter when the 1996 RAFs were paid. National provided staff with a copy of its request for cancellation letter. On August 25, 1998, National paid its 1997 RAFs, plus statutory penalties and interest for the years 1992, 1996, and 1997.

Accordingly, staff recommends that the Commission cancel National Merchandise Co., Inc.'s certificate number 1255, effective January 31, 1997, since the company has complied with Rule 25-24.514(2)(a) and (b), F.A.C., and submitted all regulatory fees due and owing under the provision of Section 350.113, Florida Statutes. National should not be assessed regulatory assessment fees for 1998.

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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 adopts staff's recommendation in Issue 1, this docket should be closed.