

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

**DATE:** DECEMBER 9, 1999

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

**FROM:** DIVISION OF TELECOMMUNICATIONS (ISLER) *PJC WD*  
DIVISION OF LEGAL SERVICES (K. PEÑA; BEDELL) *WMP BK*

**RE:** DOCKET NO. 991062-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4534 ISSUED TO AMERITEL PAYPHONE DISTRIBUTORS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

**AGENDA:** 12/21/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991062.RCM

CASE BACKGROUND

- **03/19/96** - This company obtained Florida Public Service Commission PATS Certificate No. 4534.
- **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

- **10/22/99** - Order No. PSC-99-2095-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate. The company had until November 12, 1999, to respond to the Order.
- **10/26/99** - Mr. Roy Goodman, President, called staff and stated that he wanted to keep his certificate active, would pay the past due amount, and would propose a settlement.
- **10/27/99** - The Commission received a letter from the company, which proposed to pay future fees on a timely basis, offered and paid \$100 as settlement to resolve this issue, and paid the past due amount, including statutory penalty and interest charges.

Staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Ameritel Payphone Distributors, 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:** On October 22, 1999, Order No. PSC-99-2095-PAA-TC was issued, which imposed a \$500 fine or canceled the company's certificate. Subsequently, 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; B. Keating)

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