

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3279
issued to Janice M. Czaikowski
for violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees.

DOCKET NO. 971247-TC
ORDER NO. PSC-97-1436-FOF-TC
ISSUED: November 14, 1997

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING WAIVER OF FINE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

Janice M. Czaikowski (Ms. Czaikowski) currently holds
Certificate of Public Convenience and Necessity Number 3279, issued
by the Commission on March 12, 1993, authorizing the provision of
pay telephone service. This docket was opened to cancel Ms.
Czaikowski's certificate, unless Ms. Czaikowski paid her delinquent
1996 regulatory assessment fee, which was due by January 30, 1997,
along with statutory penalties, and a \$500 fine for failure to
comply with Section 364.336, Florida Statutes, and Rule 25-4.0161,
Florida Administrative Code. On November 4, 1997, Ms. Czaikowski
paid her 1996 regulatory assessment fee, along with the statutory
penalties and interest charges.

At the Agenda Conference on November 4, 1997, Ms. Czaikowski
appeared by telephone. She explained that she had not paid her
regulatory assessment fee in a timely fashion due to the serious

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illness of her daughter. Upon consideration of these extraordinary circumstances, we find Ms. Czaikowski has demonstrated just cause to warrant a waiver of the \$500 fine generally assessed for the failure of a company to pay its annual regulatory assessment fee. We will reinstate this fine if, at any time in the future, Ms. Czaikowski fails to pay her regulatory assessment fee. Since there are no further matters to address in this docket, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for waiver of the \$500 fine by Janice M. Czaikowski, holder of Payphone Certificate No. 3279, for failure to pay the regulatory assessment fee is hereby granted. It is further

ORDERED that should Janice M. Czaikowski fail to pay her regulatory assessment at any time in the future, this fine shall be reinstated. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 14th day of November, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

WPC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 5, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court.

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This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.