

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
PATS Cert. No. 7752 issued to
Carlton Palms Condominium
Association, Inc. for violation
of Rules 25-24.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies,
and 25-24.520, F.A.C., Reporting
Requirements.

DOCKET NO. 020514-TC
ORDER NO. PSC-02-1700-AS-TC
ISSUED: December 5, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Carlton Palms Condominium Association, Inc. (Carlton Palms)
currently holds Certificate of Public Convenience and Necessity No.
7752, issued by the Commission on March 23, 2001, authorizing the
provision of pay telephone service.

Rule 25-4.0161, Florida Administrative Code, incorporated by
Rule 25-24.505, 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.

DOCUMENT NUMBER-DATE

13298 DEC-5 02

FPSC-COMM. CLERK

Pursuant to Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, each company is allowed ten days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission.

The Division of the Commission Clerk & Administrative Services' records showed that Carlton Palms had not paid its 2001 RAF, plus statutory penalty and interest charges; therefore, this docket was established. Carlton Palms subsequently paid the 2001 RAF, including the penalty and interest charges, and provided the Commission with its respective updated reporting requirements. In addition, Carlton Palms proposed to pay a \$200 contribution and future RAFs on a timely basis and provide the Commission with its updated reporting requirements within 10 days of a change. This settlement amount is consistent with amounts this Commission has accepted for recent, similar violations. Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the year of cancellation.

Accordingly, we hereby accept the settlement offer. Carlton Palms must comply with these requirements within 14 days from the date of issuance of this Order. The contribution should be identified with the docket number and the company name. Upon timely receipt, the contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If Carlton Palms fails to pay in accordance with the terms of this Order, the company's certificate shall be cancelled administratively. If Carlton Palms' certificate is cancelled in accordance with this Order, the company shall be required to immediately cease and desist providing pay telephone services in Florida.

We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, 364.3375, and 364.183, Florida Statutes.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that Carlton Palms Condominium Association, Inc.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDER that the settlement amount must be received within 14 days of the issuance of this Order. It is further

ORDERED that this docket shall remain open pending timely receipt of the \$200 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if Carlton Palms Condominium Association, Inc. fails to comply with this Order, its certificate will be canceled administratively. It is further

ORDERED that if Carlton Palms Condominium Association, Inc.'s certificate is canceled in accordance with this Order, Carlton Palms Condominium Association, Inc. shall immediately cease and desist providing pay telephone services in Florida. It is further

ORDERED that upon receipt of the \$200 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 5th day of December, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

AJT

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance 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.