

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of)
Certificates to Provide Pay)
Telephone Service:)
)
James N. Johnson) DOCKET NO. 960990-TC
Calico Jack's of Florida, Inc.) DOCKET NO. 960991-TC
Caribe Cafeteria) DOCKET NO. 960992-TC
Miller Food Store) DOCKET NO. 960993-TC
John H. Carpenter) DOCKET NO. 960994-TC
Tel-A-Merica, Tel-A-Phone, Co.) DOCKET NO. 960995-TC
A.A.A. Telephone Repair Service,) DOCKET NO. 960996-TC
Inc.)
Jax Pay Phones, Inc.) DOCKET NO. 960997-TC
Public Communications) DOCKET NO. 960998-TC
Associates, Ltd. d/b/a Public)
Phone)
)
) ORDER NO. PSC-96-1420-FOF-TC
) ISSUED: November 21, 1996

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING PAY TELEPHONE CERTIFICATES

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.

DOCUMENT NUMBER-DATE

12464 NOV 21 96

FPSC-RECORDS/REPORTING

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BACKGROUND

Regulatory assessment fees for 1995 have not been remitted by the following persons/companies: **James N. Johnson #212, Calico Jack's of Florida, Inc. #499, Caribe Cafeteria #1065, Miller Food Store #1262, John H. Carpenter #1684, Tel-A-Merica Tel-A-Phone, Co. #2209, A.A.A. Telephone Repair, Inc. #2590, Jax Pay Phones, Inc. #2768 and Public Communication Associates, Ltd. d/b/a Public Phone #2856.** The persons and companies listed owed less than \$10,000 for the preceding year.

The Bureau of Fiscal Services mailed the appropriate forms and a delinquent notice to the above entities and received no response.

The Division of Communications mailed certified letters and received the return receipt card signed; however, no fees have been submitted.

DECISION

Rule 25-4.0161(2), Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, states in pertinent part:

- (2) Regulatory assessment fees and the applicable regulatory assessment fee return form for companies whose gross regulatory assessment fees of \$10,000 or more shall be filed twice a year. Companies whose gross regulatory assessment fees are less than \$10,000 shall file the appropriate form once a year; no later than January 30 of the subsequent year, and:
 - (a) Remit the total amount of its fee, or
 - (b) Remit an amount which the company estimates is its full fee, or
 - (c) Seek and receive from the Commission a 30 day extension of its due date.

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The regulatory assessment fees due have not been remitted by any of the entities companies referenced on page 4 based on information provided by the Bureau of Fiscal Services. Furthermore, the entities have not requested an extension of time in order to comply with the Rule.

Therefore, since it appears that each entity has violated Rule 25-4.0161(2), Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, we find that each entity's certificate shall be cancelled pursuant to Rule 25-24.514(1), Florida Administrative Code, Cancellation of Certificate. The rule states in pertinent part that:

- (1) The Commission may cancel a company's certificate for any of the following reasons:
 - (a) Violation of the terms and conditions under which the authority was originally granted.
 - (b) Violation of the Commission rules or orders;
 - (c) Violation of Florida Statutes; or,
 - (d) Failure to provide service for a period of six (6) months.

We believe that these entities were given ample opportunity to comply with our rules. The Bureau of Fiscal Services not only mails the appropriate forms annually, but they also mail a delinquent notice. The Division of Communications mailed certified letters and received the return receipt card signed, but, no fees have been submitted. A provider that does not receive the form is still responsible for remitting the appropriate fees. Each entity seeking certification acknowledges that it understands the rules at the time it applies by signing an acknowledgement card.

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ENTITIES WHO FAILED TO REMIT 1995 REGULATORY ASSESSMENT FEES

<u>ENTITY NAME</u>	<u>CERTIFICATE NO.</u>
James N. Johnson	212
Calico Jack's of Florida, Inc.	499
Caribe Cafeteria	1065
Miller Food Store	1262
John H. Carpenter	1684
Tel-A-Merica, Tel-A-Phone, Co.	2209
A.A.A. Telephone Repair Service, Inc.	2590
Jax Pay Phones, Inc.	2768
Public Communications Associates, Ltd. d/b/a Public Phone	2856

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the providers referenced above shall have their certificates cancelled if they fail to pay a \$250 fine and all past due regulatory assessment fees within 30 days from the date this order becomes final. It is further

ORDERED that if any of these certificate nos. are cancelled, 212, 499, 1065, 1262, 1684, 2209, 2590, 2768 and/or 2856, the serving local exchange company shall be directed to discontinue service to all pay telephones operated by that company. It is further

ORDERED that a protest of one docket shall not prevent the action in a separate docket from becoming final. It is further

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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, these dockets shall be closed.

By ORDER of the Florida Public Service Commission, this 21st day of November, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. [Signature]
Chief, Bureau of Records

(S E A L)

NSR/MCB

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 12, 1996.

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. 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.