

STATE OF FLORIDA

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DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

June 14, 2001

Mr. Stephen T. Popper, President
Pembroke Communications, Inc.
PO Box 413005, #83
Naples, FL 34101-3005

RE: Docket No. 010481-TC

Dear Mr. Popper:

On April 17, I wrote you a letter and explained that a docket had been established for nonpayment of the Regulatory Assessment Fee, plus statutory penalty and interest charges. The letter stated that just paying the past due amount would not prevent your certificate from being cancelled.

On April 23, you called me and explained that the accountant you had hired did not take care of this. You told me that you wished to keep your certificate active and asked me to fax you the 2000 RAF form and options. I did this the same date.

On May 3, 2001, your payment for the 2000 RAF was postmarked, along with \$7.50 of the \$10.00 penalty and \$1.50 of the \$2.00 interest, leaving a balance of \$3.00. However, a settlement proposal was not attached.

If the company wishes to keep its certificate active, it should propose a settlement. If the company wishes to cancel its certificate, it should write a letter requesting cancellation and either pay the 2001 Regulatory Assessment Fee or providing a date certain it will be paid. Options for both are enclosed.

Please let me hear from you by June 29, 2001 and let me know how you wish to proceed. If you do not respond by June 29, it is my intention to go forward with a recommendation to fine you \$500 for violation of Rule 25-4.0161, Florida Administrative Code. If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, by internet e-mail at pisler@psc.state.fl.us, or at the address below.

DOCUMENT NUMBER-DATE
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FPSC-RECORDS/REPORTING

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Sincerely,

A handwritten signature in black ink, appearing to read "Paula J. Isler". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosure

cc: Docket No. 010481-TC
Division of Legal Services (K. Peña)

CANCELLATION OF THE CERTIFICATE

- **Voluntary Cancellation** - In order to be granted a voluntary cancellation, the company must: 1) write a letter requesting cancellation of the certificate and explain why (such as no longer in the payphone business); 2) pay all past due charges in full; and 3) pay the 2001 Regulatory Assessment Fee (RAF) or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling the certificate).
- **Involuntary Cancellation** - If the company does nothing to resolve this docket, the certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection. In addition, Rule 25-24.511(5), F.A.C., states that "Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled." This means that if the company chooses this option, it could not reapply for a new certificate at a later date.

TO KEEP THE CERTIFICATE ACTIVE

- Pay the past due RAF amount in full, including statutory penalty and interest charges, plus the fine imposed, after the Order is issued and the certificate will remain active. Just paying the past due amount will not prevent your certificate from being cancelled.
- Propose a settlement - All settlements must include the following elements:
 - 1) Docket number;
 - 2) A check for the past due amount in full. It should be noted that just paying the past due amount will not prevent your certificate from being cancelled;
 - 3) A statement that the company has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
 - 4) A waiver of objection, which should state: The company agrees to waive any objection to the administrative cancellation of its certificate should it fail to pay in accordance with its settlement offer. If, however, there is a factual dispute as to the manner or level of compliance with any provision in the settlement, Commission staff will bring the matter to the Commission for consideration; and
 - 5) Make a specific monetary settlement.

Any settlement offer/correspondence should be addressed to Ms. Blanca Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 10 business days after the Commission Order is issued.