

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
PATS Certificate No. 3328 issued
to Pay Phone Systems for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 020768-TC
ORDER NO. PSC-03-0179-FOF-TC
ISSUED: February 6, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER GRANTING VOLUNTARY CANCELLATION OF
PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

Pay Phone Systems (PPS) currently holds Certificate of Public Convenience and Necessity No. 3328, issued by the Commission on May 20, 1993, authorizing the provision of Pay Telephone service. The Division of the Commission Clerk and Administrative Services advised our staff that PPS had not paid the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2001. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2001 had not been paid. PPS was scheduled to remit its RAFs by January 30, 2002.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161 (2), Florida Administrative Code, the form and applicable

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fees are due to the Florida Public Service Commission by January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. All entities that apply for certification receive a copy of our rules governing Pay Telephone service.

On February 21, 2002, The Office of the General Counsel mailed via certified mail a delinquent notice for nonpayment of the 2001 RAF. The US Postal Service returned the receipt which showed the delinquent notice was signed for and delivered on March 7, 2002. Our staff wrote the company on May 08, 2002, and explained that the 2001 RAF, plus penalty and interest charges, had not been paid. Our staff advised that a docket would be established if payment was not received by June 18, 2002. As of July 19, 2002, a response had not been received, and therefore, this docket was established. On November 25, 2002, Order No. PSC-02-1619-PAA-TC was issued, which imposed a \$500 penalty or the cancellation of the company's certificate.

On December 13, 2002, we received payment of the company's 2001 RAF, including accrued statutory penalty and interest charges, and payment of the 2002 RAF, along with a letter requesting voluntary cancellation of its certificate. The company reported no revenues for the periods ended December 31, 2001, and December 31, 2002, and indicated it was no longer in the payphone business. As of January 17, 2003, there are no outstanding complaints against this company.

Accordingly, we find it appropriate to grant PPS a voluntary cancellation of its certificate, accepting as settlement the payment of the due RAFs, and the cancellation of Pay Telephone Certificate No. 3328, effective December 13, 2002. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that Pay Phone Systems's Certificate No. 3328 to provide Pay Telephone services is hereby canceled, effective December 13, 2002. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 6th Day of February, 2003.

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)

LHD

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.

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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.