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Public Service Commission

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COMMISSION
CLERK

DATE: April 6, 2004 040000

TO: Karen Belcher, Finance and Accounting Director III, Division of Commission
Clerk and Administrative Services

FROM: Victor S. McKay, Research Assistant, Office of the General Counsel VSM

RE: Docket No. 030685-TC – Cancellation by Florida Public Service Commission of
PATS Certificate No. 2357 issued to Hughes' Pay Telephones, effective May 27,
2003

Request for Permission from Department of Financial Services to Write-Off the
RAFs for the year(s) 2002 and 2003 for Hughes Pay Phones TE118.

On July 25, 2003, Docket No. xxxxxx-T? was established to address TE118's failure to remit RAFs for the year(s) 2002 and 2003. By Order No. PSC-03-1171-PAA-TC, issued on October 20, 2003, the Commission approved the cancellation of TE118's Pay Telephone Certificate No. 2357. The Commission further ordered that the outstanding Regulatory Assessment Fees not be sent to the Department of Financial Services for collection, but instead, that the Division of the Commission Clerk and Administrative Services should request permission to write-off the uncollectible amount.

Therefore, staff requests that Bureau of Administrative Services/Fiscal Services Section take the appropriate steps to seek permission from the Department of Financial Services to write-off the uncollectible RAFs for the year(s) 2002 and 2003 for TE118.

VSM

cc: Paula Isler

I:\030685rafmemovsm.doc

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DOCUMENT NUMBER-DATE

04370 APR-7

FPSC-COMMISSION CLERK

**STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
BUREAU OF ACCOUNTING
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL
(PLEASE PRINT OR TYPE)**

AGENCY FLORIDA PUBLIC SERVICE COMMISSION DATE APRIL 1, 2004 PAGE 1 OF 2
 CONTACT KAREN BELCHER, FINANCE AND ACCOUNTING DIRECTOR III
 PHONE NUMBER (850) 413-6273
 FLAIR ACCOUNT CODE SAMAS ACCOUNT CODES: 61 50 2 573003 610100 00 000300
61 74 1 000331 610100 00 001200

1. 030685-TC Hughes Pay Telephones

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
120 Lake Whistler Drive, Auburndale, FL 33823-2213					
Last Known Address (Include Zip)					
(941) 967-2563		50.00		12.50/6.50	69.00
Home Telephone	Work Phone	Principal Amount		Penalty/Interest Amount	Total
§364.366, F.S., §350.113, F.S., Rule 25-4.0161, F.A.C				2002	8
Penalty/Interest Authority				Date Debt Incurred	Debt Type

Debt Description, e.g., Drivers License, Property Damage

Additional Information, e.g., Date of Birth, Drivers License Number, etc

2. 030685-TC Hughes Pay Telephones

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
120 Lake Whistler Drive, Auburndale, FL 33823-2213					
Last Known Address (Include Zip)					
(941) 967-2563		50.00			50.00
Home Telephone	Work Phone	Principal Amount		Penalty/Interest Amount	Total
§364.366, F.S., §350.113, F.S., Rule 25-4.0161, F.A.C				2003	8
Penalty/Interest Authority				Date Debt Incurred	Debt Type

Debt Description, e.g., Drivers License, Property Damage

Additional Information, e.g., Date of Birth, Drivers License Number, etc

****DEBIT TYPE CODE****

1. RETURNED CHECK 2. NONPAYMENT FOR STATE GOODS/SERVICES 3. DAMAGE TO STATE PROPERTY
 7. COURT ORDER 8. FINES 9. OVERPAYMENT OF STATE FUNDS

GENERAL INSTRUCTIONS

Provide as much information as possible for each account or returned check listed. Names should include legal entities as well as individuals. Principal Amount is the original amount of the debt excluding any service charge, penalty, and/or interest. Penalty/Interest Amount is the amount of the service charge, penalty, and/or interest due to date on the delinquent account or returned check. For those accounts subject to interest charges, please indicate the interest rate, method of calculation, and whether the rate is subject to change. Penalty/Interest Authority is the Florida Statutory and/or Florida Administrative Code citation authorizing the service charge, penalty, and/or interest on delinquent accounts and returned checks. Date Incurred is the date the account became delinquent; e.g., the date a check was returned marked NSF, the date an invoice was due to be paid, etc. Debt Type must be indicated using the codes listed at the bottom of the form.

In order to properly pursue a delinquent account the Bureau of Accounting and the collection agency, if used, require pertinent information about the debt and debtor. Such information regarding the debt should be provided in the area titled Debt Description and include the purpose of the original payment by check; type of goods/services provided; what, when, and where State property was damaged; when, why and what court ordered a payment; when and why a fine was issued; for what and when were State funds overpaid; etc. Additional Information about the debtor should include, if available, date of birth, driver license number, credit card type and number, names and addresses of relatives, and any other information that may be used to locate the debtor. The more the Bureau and the collection agency know about the debt and debtor the more likely the recovery of the debt.

To facilitate the transfer of moneys collected, each agency shall designate one FLAIR revenue account code to which all moneys will be transferred by the journal transfer. Agencies will be provided a detailed listing of amounts collected and collection fees charged for each amount. The Department will also provide instructions in accordance with Generally Accepted Accounting Principles on the appropriate method of recording the difference between any moneys collected and the amount of the delinquent account; i.e., treat the difference as cost of collection or provide approval for adjusting the balance of the account pursuant to Section 17.04, Florida Statutes.

Forms and Questions should be addressed to:

Department of Financial Services
Bureau of Accounting
Room 414 Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0354
(850) 410-9365 / SC 210-9365

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
PATS Certificate No. 2357 issued
to Hughes' Pay Telephones for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 030685-TC
ORDER NO. PSC-03-1171-PAA-TC
ISSUED: October 20, 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

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELING PAY TELEPHONE CERTIFICATE

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.

On September 12, 1989, Hughes' Pay Telephones obtained Florida Public Service Commission Pay Telephone Certificate No. 2357. On January 22, 2002, we received the company's 2001 Regulatory Assessment Fee (RAF) return and payment for the period ended December 31, 2001. The company reported no revenues at that time.

The Office of the General Counsel mailed a delinquent notice for nonpayment of the 2002 RAF via certified mail on February 21, 2003. The notice was signed for and delivered on March 4, 2003.

ORDER NO. PSC-03-1171-PAA-TC
DOCKET NO. 030685-TC
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On May 21, 2003, our staff wrote the company at the address on file in the Master Commission Directory and explained that payment for the RAF needed to be paid by June 13, 2003, to avoid an enforcement docket from being established. The US Postal Service returned our staff's letter which had "deceased" handwritten on the envelope. Our staff then attempted to call the telephone number on file in the Master Commission Directory, but was unsuccessful. In addition, our staff researched Polk County internet records and confirmed that the owner, Columbus Hughes, was deceased. Our staff then contacted Verizon Florida Inc. and was advised that it did not bill any payphones to Hughes' Pay Telephones.

As of September 2, 2003, the company has not paid the past due amount. In addition, there are no outstanding consumer complaints against Hughes' Pay Telephones.

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

Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of Regulatory Assessment Fees by January 30, or the next business day, 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.

Rule 25-24.514(2)(a) and (b), Florida Administrative Code, states:

- (2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:
 - (a) Statement of intent and date to pay Regulatory Assessment Fee.
 - (b) Statement of why the certificate is proposed to be cancelled.

Accordingly, we will cancel the company's PATS Certificate No. 2357 on its own motion, effective May 27, 2003. In addition, the Division of the Commission Clerk & Administrative Services will be notified that the 2002 and 2003 RAFs, including statutory penalty

ORDER NO. PSC-03-1171-PAA-TC
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and interest charges for calendar year 2002, shall not be sent to the Florida Department of Financial Services for collection, but that permission for the Commission to write-off the uncollectible amount will be requested. Upon this order becoming final, the company should be required to immediately cease and desist providing pay telephone service in Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Hughes' Pay Telephones Certificate No. 2357 to provide Pay Telephone services is hereby canceled, and Hughes Pay Telephonesto cease and desist providing pay telephone service effective May 27, 2003. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" 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 20th Day of October, 2003.

/s/ Blanca S. Bayó
BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

This is a facsimile copy. Go to the Commission's Web site, <http://www.floridapsc.com> or fax a request to 1-850-413-7118, for a copy of the order with signature.

(S E A L)

VSM

ORDER NO. PSC-03-1171-PAA-TC
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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 that is available under Section 120.57, 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 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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 10, 2003.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
PATS Certificate No. 2357 issued
to Hughes' Pay Telephones for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 030685-TC
ORDER NO. PSC-03-1310-CO-TC
ISSUED: November 17, 2003

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-03-1171-PAA-TC, issued October 20, 2003, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order, in regard to the above mentioned docket. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-03-1171-PAA-TC has become effective and final. It is further

ORDERED that this docket shall be closed.

ORDER NO. PSC-03-1310-CO-TC
DOCKET NO. 030685-TC
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By ORDER of the Florida Public Service Commission, this 17th
Day of November, 2003.

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

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

This is a facsimile copy. Go to the
Commission's Web site,
<http://www.floridapsc.com> or fax a request
to 1-850-413-7118, for a copy of the order
with signature.

(S E A L)

VSM

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 judicial review of Commission orders that is available pursuant to Section 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 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 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

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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.