State of Florida

ORIGINAL

-M-E-M-O-R-A-N-D-U-M-

DATE: April 10, 2007

TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk

FROM: Division of Competitive Markets & Enforcement (Isler)
              Office of the General Counsel (McKay)

RE: Docket No. 070169-TC - Request for cancellation of PATS Certificate No. 4316 by
              Anthony Brown and Kenny Smith d/b/a A.B.C. Pay Phones of Florida, effective
              December 31, 2006.

On January 26, 2007, the Commission's Fiscal Section provided staff a copy of this company's 2006 Regulatory Assessment Fee return form with the note "no longer a company" written on it. Payment of the minimum fee was not included. On January 30, 2007, staff called the company's telephone number and left a voice mail message explaining that payment of the minimum fee had to be postmarked today to avoid late payment charges.

On February 20, 2007, the Commission received the company's 2006 minimum Regulatory Assessment Fee (payment was postmarked February 23, 2007). On February 26th, Ms. Peggy Brown called staff, who advised that the company had requested cancellation of the pay telephone certificate in 2005. The company provided staff a copy of a letter dated December 19, 2005, requesting cancellation. Although staff does not have record of receiving the letter, it has been this Commission's practice in the past to give a company the benefit of the doubt.

Based on the above and pursuant to Section 2.07.C.5.c., Administrative Procedures Manual, it is our recommendation that Pay Telephone Certificate No. 4316, be voluntarily cancelled with an effective date of December 31, 2006. The certificate holder has complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its certificate. In addition, an administrative order should be issued and the docket be closed.