

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of)
Certificates to Provide Pay)
Telephone Service:)
)
PLASENCIA AND SONS HARDWARE,) DOCKET NO. 940517-TC
INC.)
RICARDO M. PEDROSA) DOCKET NO. 940518-TC
HERITAGE HEALTH CORPORATION) DOCKET NO. 940519-TC
SOUTHERN BUSINESS TELEPHONE) DOCKET NO. 940521-TC
SYSTEMS, INC.)
BRIAN CLEMENT) DOCKET NO. 940522-TC
ROBERT E. SPANGLER) DOCKET NO. 940523-TC
GRETCHEN WYNEGAR) DOCKET NO. 940524-TC
MARK BLOCK) DOCKET NO. 940525-TC
WALTON JOHNSTON/ELLIOT JOHNSTON) DOCKET NO. 940526-TC
ANDRES ALEJO) DOCKET NO. 940527-TC
)
) ORDER NO. PSC-94-0890-FOF-TC
) ISSUED: July 20, 1994

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE AND REQUIRING PAYMENT OF REGULATORY
ASSESSMENT FEES OR 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

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0890-FOF-TC

DOCKETS NOS. 940517-TC, 940518-TC, 940519-TC, 940521-TC, 940522-TC,
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The entities listed below are pay telephone service providers which have not paid the regulatory assessment fees required by Section 364.336, Florida Statutes and Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees:

<u>Name</u>	<u>Certificate Number</u>
Plascenia and Sons Hardware, Inc.	3307
Ricardo M. Pedrosa	3315
Heritage Health Corporation	3098
Southern Business Telephone Systems, Inc.	3104
Brian Clement	3213
Robert E. Spangler	3219
Gretchen Wynegar	3224
Mark Block	3230
Walton Johnston/Elliot Johnston	3235
Andres Alejo	3242

Regulatory assessment fee forms were mailed, in June, 1993, to all certified pay telephone service providers for the period of January 1, 1993 through June 30, 1993. Forms were mailed in December, 1993, for the period of July 1, 1993 through December 31, 1993. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the forms and applicable fees are due to the Bureau of Fiscal Services by July 30, 1993 for the period ending June 30, 1993 and by January 30, 1994 for period ending December 31, 1993. Each provider was notified of its delinquency on August 20, 1993 for the period ending June 30, 1993 and on March 7, 1994 for the period ending December 31, 1993.

Each provider has been notified of its delinquent fees and has been given adequate opportunity to pay. We find it appropriate to fine each provider listed above \$250 for failure to comply with Section 364.336, Florida Statutes and Rule 25-4.0161, Florida Administrative Code. Each provider must remit all past due regulatory assessment fees and a \$250 fine to the Florida Public Service Commission within 60 days of this Order becoming final. When the appropriate fees and fine are received, the docket shall be closed without further Commission action. Any provider that does not comply with this Order within 60 days shall have its certificate cancelled and the docket will be closed without further Commission action.

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A protest filed in a docket shall not prevent this Order from becoming final as to any docket in which no protest is filed.

It is, therefore,

ORDERED by the Florida Public Service Commission that each pay telephone provider listed in the body of this Order pay all past due regulatory assessment fees and pay a \$250 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that when the past due regulatory assessment fees and the fine are paid, the docket shall be closed. It is further

ORDERED that each pay telephone provider must pay the past due regulatory assessment fees and the fine within 60 days of this Order becoming final or its certificate shall be cancelled and the docket closed. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final. A protest filed in a docket shall not prevent this Order from becoming final as to any docket in which no protest is filed.

By ORDER of the Florida Public Service Commission, this 20th day of July, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Ferguson
Chief, Bureau of Records

(S E A L)

LMB

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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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 10, 1994.

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 adversely 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.