

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 4266  
issued to D.W. Korman, for  
violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees, and Rule 25-24.520,  
F.A.C., Reporting Requirements.

DOCKET NO. 971330-TC  
ORDER NO. PSC-98-0014-FOF-TC  
ISSUED: January 5, 1998

The following Commissioners participated in the disposition of  
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER IMPOSING FINES, REQUIRING PAYMENT OF  
REGULATORY ASSESSMENT FEES AND UPDATED INFORMATION OR CANCELING  
PAY TELEPHONE CERTIFICATE AND DIRECTING CERTIFICATED LOCAL  
EXCHANGE COMPANIES TO DISCONTINUE SERVICE

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.

D.W. Korman currently holds Certificate of Public Convenience  
and Necessity Number 4266, issued by the Commission on September  
28, 1995, authorizing the provision of pay telephone service.  
D.W. Korman has not paid the regulatory assessment fees required by  
Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida  
Administrative Code, for the year 1996. The regulatory assessment  
fee form was mailed to D.W. Korman in December, 1996, for the  
period of January 1, 1996, through December 31, 1996. Pursuant to

DOCUMENT NUMBER-DATE

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REGULATORY REPORTING

Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. D.W. Korman was notified of his delinquency on June 3, 1997. D.W. Korman has been given adequate opportunity to pay. The Commission's correspondence regarding the regulatory assessment fees was returned, marked "unclaimed." To date, D.W. Korman has not paid the required fees.

Rule 25-24.520, Florida Administrative Code, provides that a company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, and city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission. It has been well over 10 days and our staff has not been informed of the correct mailing address, phone number, or liaison information, nor has D.W. Korman requested cancellation of his certificate pursuant to Rule 25-24.514, Florida Administrative Code.

Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.514, Florida Administrative Code, establishes the requirements for cancellation of a pay telephone company certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

For the reason described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel D.W. Korman's certificate, unless D.W. Korman pays a \$500 fine for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, and remits all past due regulatory assessment fees, along with statutory penalties and interest charges, to the Florida Public Service Commission. Also, for the reasons described above, and pursuant to Rule 25-24.514(1)(b), Florida Administrative Code, we find it appropriate to cancel D.W. Korman's certificate, unless the D.W. Korman pays a \$500 fine for failure to comply with Rule 25-24.520, Florida Administrative Code, and provides the information required by the rule. D.W. Korman must comply with these requirements within five business days from the date this Order becomes final. The fines will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

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When the appropriate fee, statutory penalties, interest charges, fines and information are received, this docket shall be closed. Should D.W. Korman fail to comply with this Order within five business days from the date this Order becomes final, D.W. Korman shall have its certificate canceled and the docket will be closed. The cancellation of the certificate and the closing of the docket in no way diminishes D.W. Korman's obligation to pay the applicable delinquent regulatory assessment fee, statutory penalties, and interest charges.

Should D.W. Korman's certificate be canceled, all certificated local exchange companies are instructed to discontinue service to D.W. Korman, pursuant to Rule 25-24.510, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. Any certificated local exchange company providing service to D.W. Korman must contact the Commission at the conclusion of the response period indicated herein in order to determine if D.W. Korman's certificate has been canceled.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that D.W. Korman shall pay the past due regulatory assessment fee, statutory penalties, interest charges, and a \$500 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, within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that D.W. Korman shall pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-24.520, Florida Administrative Code, and provide the information required by said Rule. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should D.W. Korman fail to comply with this Order, D.W. Korman's certificate shall be canceled, and the docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes D.W. Korman's obligation to pay the applicable delinquent regulatory assessment fees, statutory penalties, and interest charges. It is further

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ORDERED that all certificated local exchange companies shall discontinue service to D.W. Korman upon verification of the cancellation of the certificate at the conclusion of the response period set forth in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fines, and fees, or upon cancellation of the certificate.

By ORDER of the Florida Public Service Commission this 5th day of January, 1998.



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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CJP

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.

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 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 26, 1998.

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 substantially 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.