

MEMORANDUM

RECEIVED

February 3, 1998

FEB 03 1998  
4:30  
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KP PR*

RE: DOCKET NO. 971350-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4496 ISSUED TO ZYCOM TEK CORPORATION, FOR VIOLATION OF RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEES.

98-D208-FOF-TC

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING FINE AND REQUIRING PAYMENT OF REGULATORY ASSESSMENT FEES OR CANCELING PAY TELEPHONE CERTIFICATE AND DIRECTING CERTIFICATED LOCAL EXCHANGE COMPANIES TO DISCONTINUE SERVICE, to be issued in the above referenced docket. (No. of pages in order - 5)

KMP/anr  
Attachment  
cc: Division of Communications  
Division of Administration  
I: 971350.kmp

*See 1*

*cont 2/4/98*

*See Continuation*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 4496  
issued to Zycom Tek Corporation,  
for violation of Rule 25-4.0161,  
Florida Administrative Code,  
Regulatory Assessment Fees.

DOCKET NO. 971350-TC  
ORDER NO. PSC-98-0208 FOR TC  
ISSUED: February 4, 1998

The following Commissioners participated in the disposition of  
this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

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

Zycom Tek Corporation (Zycom Tek) currently holds Certificate  
of Public Convenience and Necessity No. 4496, issued by the  
Commission on February 5, 1996, authorizing the provision of pay  
telephone service. Zycom Tek 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 Zycom Tek in December,  
1996, for the period of January 1, 1996, through December 31, 1996.

DOCUMENT NUMBER-DATE

01742 FEB-4 98

FPSC-RECORDS/REPORTING

ORDER NO. PSC-98-0208-FOF-TC  
DOCKET NO. 971350-TC  
PAGE 2

Pursuant to 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. Zycom Tek was notified of its delinquency on June 3, 1997. Zycom Tek has been given adequate opportunity to pay. The Commission's correspondence regarding the regulatory assessment fees was returned, marked "unclaimed." To date, Zycom Tek has not paid the required fees.

For the reason described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Zycom Tek's certificate, unless Zycom Tek 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. Zycom Tek must comply with these requirements within five business days from the date this Order becomes final. The fine will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and fine are received, this docket shall be closed. Should Zycom Tek fail to comply with this Order within five business days from the date this Order becomes final, Zycom Tek 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 Zycom Tek's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges.

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

ORDER NO. PSC-98-0208-FOF-TC  
DOCKET NO. 971350-TC  
PAGE 3

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Zycom Tek Corporation must pay the past due regulatory assessment fees, 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 should Zycom Tek Corporation fail to comply with this Order, Zycom Tek Corporation'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 Zycom Tek Corporation's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges. It is further

ORDERED that all certificated local exchange companies shall discontinue service to Zycom Tek Corporation 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.

ORDER NO. PSC-98-0208-FOF-TC  
DOCKET NO. 971350-TC  
PAGE 4

By ORDER of the Florida Public Service Commission this 4th  
day of February, 1998.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

KMP

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 February 25, 1998.

ORDER NO. PSC-98-0208-FOF-TC  
DOCKET NO. 971350-TC  
PAGE 5

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.