

MEMORANDUM

November 23, 1998

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KMP/MS*

RE: DOCKET NO. 980813-TC - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3446
ISSUED TO CARMAN COMMUNICATION, INC. FOR VIOLATION OF
RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES.

98-1554-AS-TC

Attached is an ORDER APPROVING SETTLEMENT, to be issued in the
above-referenced docket. (Number of pages in order - 3)

KMP/anr
Attachment
cc: Division of Communications
I: 980813.kmp

Sec 2

*1-mailed - RAR
11/24/98*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3446
issued to Carman Communication,
Inc. for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees.

DOCKET NO. 980813-TC
ORDER NO. PSC-98-1554-AS-TC
ISSUED: November 23, 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.

ORDER APPROVING SETTLEMENT

Carman Communication, Inc. (Carman Communication) currently holds Certificate of Public Convenience and Necessity No. 3446, issued by the Commission on October 1, 1993, authorizing the provision of pay telephone service. By memorandum dated June 29, 1998, the Division of Administration advised our staff that Carman Communication had not paid the regulatory assessment fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 1997, nor statutory penalties and interest charges for late RAFs payments for the year 1997. The RAF form was mailed to Carman Communication in December, 1997, for the period of January 1, 1997, through December 31, 1997. 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. Our correspondence regarding the RAFs was signed for and delivered to Carman Communication on December 19, 1997.

On September 1, 1998, the same date of the Agenda Conference at which the Commission voted on this item, the Commission received a letter from Carman Communication apologizing for the oversight and promising to abide by Commission rules in the future. On September 22, 1998, the Commission issued Order No. PSC-98-1258-FOF-TC imposing a \$500 fine and requiring payment of the past due regulatory assessment fees or Carman Communication's certificate

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would be canceled. On September 16, 1998, in recognition of its apparent violation of Rule 25-4.0161, Florida Administrative Code Carman Communication paid all the past due statutory penalties and interest charges, and submitted a settlement offer. Carman Communication agreed to pay future regulatory assessment fees in a timely manner and contribute \$100 to the State General Revenue Fund.

We believe that the terms of the settlement offer represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. The contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Upon remittance of the \$100 contribution, this docket shall be closed.


Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Carman Communication, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that upon receipt of the \$100 contribution, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 23rd day of November, 1998.



KAY FLYNN, Chief
Bureau of Records

(S E A L)

KMP

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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 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 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 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.