

MEMORANDUM

November 23, 1998

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RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

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

RE: DOCKET NO. 980812-TC - CANCELLATION BY FLORIDA PUBLIC  
SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3408  
ISSUED TO ZEPHYRHILLS CINEMA 6 FOR VIOLATION OF RULE 25-  
4.0161, F.A.C., REGULATORY ASSESSMENT FEES.

98-1553-AS-TC

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

*Scott*

KMP/anr  
Attachment  
cc: Division of Communications  
I: 980812.kmp

*1 - mailed - RAR  
11/24*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 3408  
issued to Zephyrhills Cinema 6  
for violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees.

DOCKET NO. 980812-TC  
ORDER NO. PSC-98-1553-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

Zephyrhills Cinema 6 (Zephyrhills Cinema) currently holds Certificate of Public Convenience and Necessity No. 3408, issued by the Commission on August 25, 1993, authorizing the provision of pay telephone service. By memorandum dated June 29, 1998, the Division of Administration advised our staff that Zephyrhills Cinema 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 years 1993, 1994, 1995, and 1997. The RAF form was mailed to Zephyrhills Cinema 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 Zephyrhills Cinema on December 19, 1997. On July 29, 1998, we received the minimum \$50 for 1997 RAFs; however Zephyrhills Cinema did not pay statutory penalties and interest charges for the years 1993, 1994, 1995, and 1997.

This docket was deferred from the September 1, 1998 Agenda Conference at the request of Zephyrhills Cinema. On September 14, 1998, in recognition of its apparent violation of Rule 25-4.0161, Florida Administrative Code Zephyrhills Cinema paid all the past

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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due statutory penalties and interest charges, and submitted a settlement offer. Zephyrhills Cinema 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 Zephyrhills Cinema 6'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.

LAST TRANSACTION REPORT FOR HP FAX-700 SERIES

VERSION: 01.03

FAX NAME:  
FAX NUMBER:

DATE: 23-NOV-98  
TIME: 00:27

DATE	TIME	REMOTE FAX NAME AND NUMBER	DURATION	PG	RESULT	DIAGNOSTIC
23-NOV	00:25 S	3054439716	0:01:48	4	OK	66384010016A

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S=FAX SENT  
I=POLL IN(FAX RECEIVED)  
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