

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 2886  
issued to Southtel for violation  
of Rules 25-4.0161, F.A.C.,  
Regulatory Assessment Fees;  
Telecommunications  
Companies, and 25-24.520,  
F.A.C., Reporting Requirements.

DOCKET NO. 981175-TC  
ORDER NO. PSC-98-1709-FOF-TC  
ISSUED: December 17, 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 OR CANCELING PAY TELEPHONE CERTIFICATE

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.

Southtel currently holds Certificate of Public Convenience  
and Necessity No. 2886, issued by the Commission on December 11,  
1997, authorizing the provision of pay telephone service. This  
docket was opened to cancel Southtel's certificate, unless Southtel  
paid its delinquent 1996 and 1997 regulatory assessment fees, which  
were due by January 30, 1998, along with statutory penalties and  
interest for the years 1996 and 1997, and a \$500 fine for failure  
to comply with Section 364.336, Florida Statutes, and Rule 25-  
4.0161, Florida Administrative Code.

DOCUMENT NUMBER-DATE

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PSC-REGISTRATION REPORTING

ORDER NO. PSC-98-1709-FOF-TC  
DOCKET NO. 981175-TC  
PAGE 2

Pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Southtel's certificate, unless Southtel pays the fine in the amount of \$500 for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, to the Florida Public Service Commission. Southtel must comply with this requirement 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, pursuant to Section 364.516, Florida Statutes.

Pursuant to Rule 25-24.520, Florida Administrative Code, each 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, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the commission. The record demonstrated mail sent to Southtel was returned to the commission and call were unsuccessful in reaching Southtel. We find it appropriate to assess a \$500 fine for failure to comply with the Commission rules or cancel Southtel's certificate if the fine and information required by Rule 25-24.520, Florida Administrative Code, Reporting Requirements, are not received by the Commission within five business days after the conclusion of the 21-day protest period. The fine shall be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

When the fines are received, this Docket shall be closed. Should Southtel fail to comply with this Order within five business days from the date this Order becomes final, Southtel shall have its certificate canceled and the docket will be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southtel shall pay all past due regulatory assessment fees, including statutory penalties and interest 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 shall be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDER NO. PSC-98-1709-FOF-TC  
DOCKET NO. 981175-TC  
PAGE 3

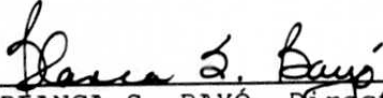
ORDERED by the Florida Public Service Commission that Southtel shall pay a \$500 fine or Southtel's certificate will be canceled if the information required by Rule 25-24.520, F.A.C. and fine are not received by the Commission within five business days from the date this Order becomes final. The fine shall be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Southtel fail to comply with this Order, Southtel's certificate shall be canceled, and the docket shall be closed. 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 fine or cancellation of the certificate.

By ORDER of the Florida Public Service Commission, this 17th day of December, 1998.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CBW

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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, 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 7, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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.