

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4362
issued to Nu-Way Teleco, Inc. 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. 981219-TC
ORDER NO. PSC-99-0645-AS-TC
ISSUED: April 6, 1999

The following Commissioners participated in the disposition of
this matter:

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

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Nu-Way Teleco, Inc. (Nu-Way) currently holds Certificate of
Public Convenience and Necessity No. 4326, issued by the Commission
on January 6, 1996, authorizing the provision of pay telephone
service. The Division of Administration advised our staff by
memorandum that Nu-Way had not paid the 1997 regulatory assessment
fees (RAFs), nor statutory penalties and interest charges for late
RAFs payments for the year 1997.

Under Section 364.336, Florida Statutes, certificate holders
must pay a minimum annual RAF of \$50 if the certificate was active
during any portion of the calendar year. 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. All entities that apply for certification
receive a copy of our rules governing pay telephone service and an
affidavit in which the applicants attest that the rules have been

DOCUMENT NUMBER-DATE

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received and understood by the applicant. This affidavit must be attached to the application in order for the application to be processed. The RAF form was mailed to Nu-Way in December, 1997, for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to Nu-Way on December 15, 1997. Our staff attempted to communicate with Nu-Way via telephone, but all attempts were unsuccessful.

On December 15, 1998, Order No. PSC-98-1693-FOF-TC was issued. The Order determined that Nu-Way had to provide the Commission with its correct address and telephone number, pay the past due charges, pay a \$1,000 fine, or its certificate would be canceled. On December 23, 1998, our staff received a call from Mr. Michel LaFleur. He stated that the company would pay all the past due charges and would propose a settlement offer. Nu-Way paid all the past due statutory penalties and interest charges, provided the Commission with its correct address and telephone number, and submitted a settlement offer. Nu-Way agreed to pay future regulatory assessment fees in a timely manner, provide the Commission with updated reporting requirements within 10 days of a change, and contribute \$200 to the State General Revenue Fund.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. Nu-Way must comply with these requirements within five business days from the date this Order becomes final. 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 \$200 contribution, this docket shall be closed.

Based on the foregoing, it is

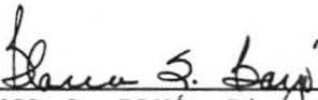
ORDERED by the Florida Public Service Commission that Nu-Way Teleco, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$200 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 \$200 contribution this docket shall be closed.

ORDER NO. PSC-99-0645-AS-TC
DOCKET NO. 981219-TC
PAGE 3

By ORDER of the Florida Public Service Commission this 5th day
of April, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.