

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 2062
issued to Downtown Motel
Corporation for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 981207-TC
ORDER NO. PSC-99-0798-FOF-TC
ISSUED: April 21, 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 CANCELING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

Downtown Motel Corporation (Downtown Motel) currently holds Certificate of Public Convenience and Necessity No. 2062, issued by the Commission on July 12, 1988, authorizing the provision of pay telephone service (PATS). The Division of Administration advised our staff by memorandum that Downtown Motel 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 years 1996 and 1997, nor statutory penalties and interest charges for late RAFs payments for the years 1991, 1996, and 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

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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 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 Downtown Motel for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to Downtown Motel on December 15, 1997.

On December 10, 1998, Order No. PSC-98-1680-FOF-TC was issued, which imposed a \$500 fine and required payment of the fine and fees. The company has now paid all past due charges and requested voluntary cancellation of its certificate because it is no longer in the pay telephone business. Downtown Motel has complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its PATS certificate and by submitting its regulatory assessment fees for the year 1997. Accordingly, we find it appropriate to cancel PATS Certificate No. 2062, effective December 31, 1998.

Downtown Motel shall return its certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment fee of \$50 if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice for 1998 has been mailed to Downtown Motel. Neither the cancellation of its certificate nor the failure to receive a Regulatory Assessment Fee Return notice for the year 1998 shall relieve Downtown Motel from its obligation to pay regulatory assessment fees for 1998.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Downtown Motel Corporation's Certificate No. 2062 to provide Pay Telephone services is hereby canceled, effective December 31, 1998. It is further

ORDERED that Downtown Motel Corporation shall return its certificate to this Commission and remit regulatory assessment fees for the year 1998. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission, this 21st
day of April, 1999.

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.

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.