

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5041
issued to Pay-Tel Services Inc.
for violation of Rules 25-
24.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies,
and 25-4.043, F.A.C., Response
to Commission Staff Inquiries.

DOCKET NO. 981375-TC
ORDER NO. PSC-99-0809-AS-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 APPROVING SETTLEMENT

BY THE COMMISSION:

Pay-Tel Services Inc. (Pay-Tel) currently holds Certificate of
Public Convenience and Necessity No. 5041, issued by the Commission
on January 7, 1997, authorizing the provision of pay telephone
service.

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 phone 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 Division of Administration advised our staff by memorandum
that Pay-Tel had not paid the regulatory assessment fees (RAFs)
required by Section 364.336, Florida Statutes, and Rule 25-4.0161,

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FPSC-RECORDS/REPORTING

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Florida Administrative Code, for the year 1997, nor statutory penalties and interest charges for late RAFs payments for the year 1997. The RAFs form was mailed to Pay-Tel for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to Pay-Tel on December 13, 1997.

Further, on December 18, 1997, our staff mailed Pay-Tel a letter concerning service evaluation violations and requested a response by January 2, 1998. Due to the failure to respond, our staff made a second attempt by certified mail on January 9, 1998, requesting a response by January 20, 1998.

After this docket was opened, our staff received a call from Mr. Luis Alfaro. He stated that the company would pay all the past due charges, respond to staff's inquiry, and would propose a settlement offer. Mr. Alfaro paid all the past due 1997 RAFs, statutory penalties and interest charges, and submitted a settlement offer. Pay-Tel agreed to pay future regulatory assessment fees in a timely manner, respond to staff inquiries in a timely manner, and offered \$2,500 settlement. Mr. Alfaro proposed to pay \$500 in April 1999, and the balance to be paid in \$100 monthly installments by no later than the last working day of each month until paid in full.

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. 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 full balance of the \$2,500 contribution, this docket shall be closed.

Based on the foregoing, it is

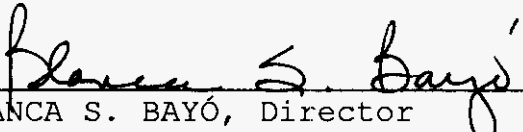
ORDERED by the Florida Public Service Commission that Pay-Tel Services Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the full balance of the \$2,500 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

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ORDERED that upon receipt of the full balance of the \$2,500 contribution, this docket shall be closed.

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



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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.