

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 4972  
issued to Starbrite Payphones  
for violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 981314-TC  
ORDER NO. PSC-99-1408-AS-TC  
ISSUED: July 22, 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:

Starbrite Payphones (Starbrite) obtained Certificate No. 4972  
on December 11, 1996. The Division of Administration informed our  
staff by memorandum that Starbrite had not paid the regulatory  
assessment fees (RAF) required by Section 364.336, Florida  
Statutes, and Rule 25-4.0161, Florida Administrative Code, for the  
year 1997. Also, accrued statutory penalties and interest charges  
for the year 1997 had not been paid.

Pursuant to 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. 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. All applicants attest that these rules have been  
received and understood by the applicant and an affidavit must be

DOCUMENT NUMBER-DATE

08683 JUL 22 99

FILED-RECORDS/REGISTRATION

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attached to the application in order for the application to be processed. Pursuant to Section 350.113(4), Florida Statutes, the RAF forms, for the period of January 1, through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due. The Commission's correspondence regarding the RAFs was signed for and delivered to Starbrite on December 16, 1997.

After the docket was opened, but prior to a recommendation being filed, the company's owner, Mr. Robert Young, contacted our staff and stated that he believed that the company had paid the 1997 RAFs. He further stated that he would check the company's records, pay the past due amount if it had not been paid, and make a settlement offer. On November 10, 1998, in recognition of its apparent violation of Rule 25-4.0161, Florida Administrative Code, Starbrite paid the past due amount in full, including accrued statutory penalties and interest charges. However, our staff did not receive a settlement offer from the company.

Our staff contacted Mr. Young on two occasions to inquire about the settlement offer. On both occasions, Mr. Young asserted that the company would submit a settlement offer. Our staff further informed Mr. Young that the 1998 RAFs were past due. Mr. Young asked that our staff provide him with a 1998 RAF form.

On May 4, 1999, we approved our staff's recommendation to impose a fine for the RAF Rule violation or cancel Starbrite's certificate. In the interim of the vote and the issuance of the Order, Starbrite paid the 1998 RAFs, including the accrued statutory penalties and interest charges, and made a settlement offer. It 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 agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. The contribution must identify the docket number and company name. Starbrite must comply with these requirements within ten business days from the effective date of this Order. 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. If Starbrite fails to comply with this Order, its

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certificate will be cancelled administratively with an effective date of December 31, 1998.

Based on the foregoing, it is

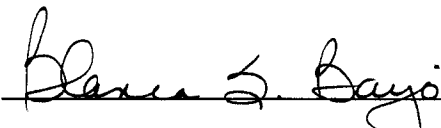
ORDERED by the Florida Public Service Commission that Starbrite Payphones' settlement proposal summarized in the body of this Order is hereby approved. It is further

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 if Starbrite Payphones fails to comply with this Order, its Pay Telephone Certificate No. 4972 will be cancelled administratively with an effective date of December 31, 1998. 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 22nd day of July, 1999.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( 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.

M E M O R A N D U M

July 19, 1999

RECEIVED-PPSC

JUL 20 PM 1:52

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *Wmp CB*

RE: DOCKET NO. 981314-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4972 ISSUED TO STARBRITE PAYPHONES FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

99-1408-AS

Attached is an ORDER APPROVING SETTLEMENT, to be issued in the above-referenced docket. (Number of pages in order - 4)

KMP/anc  
Attachment  
cc: Division of Communications  
I: 981314s.kmp

*See 2, 3*

*0/1*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Number of Originals 4 Date 7, 26, 99 Copies Per Original 19  
 Requested By puth

Item Presented 99-1408 In Docket No. 981314  
 Agenda For (Date) \_\_\_\_\_ Order No. \_\_\_\_\_ In Docket No. \_\_\_\_\_  
 Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
 Other \_\_\_\_\_

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	<u>--</u>	<u>_____</u>
<u>(1)</u>	<u>Docket Mailing List - Mailed</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>Docket Mailing List - Faxed</u>	<u>_____</u>	<u>_____</u>

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 242 Verified By Michael  
 Date and Time Completed 7/27 Job Checked For Correctness and Quality (Initial) "

Mail Room Verification

Date Mailed / Verified By /