

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3905
issued to Mark D. Ridley for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees.

DOCKET NO. 971279-TC
ORDER NO. PSC-99-2084-FOF-TC
ISSUED: October 22, 1999

The following Commissioners participated in the disposition of
this matter:

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

FINAL ORDER DISMISSING PROTEST OF
ORDER NO. PSC-97-1454-FOF-TC
AND CANCELLING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

On October 3, 1997, we opened this docket to cancel Pay Telephone Certificate No. 3905, issued to Mark D. Ridley on November 23, 1994, by Order No. PSC-94-1436-FOF-TC, due to Mr. Ridley's failure to pay regulatory assessment fees in 1996. On November 18, 1997, we issued proposed agency action (PAA) Order No. PSC-97-1454-FOF-TC. The PAA Order canceled Mr. Ridley's certificate No. 3905, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, unless Mr. Ridley paid a \$500 fine for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, and remitted all past due regulatory assessment fees, along with statutory penalties and interest charges, to us. Mr. Ridley was ordered to comply with these requirements within five business days from the date Order No. PSC-97-1454-FOF-TC became final. The fine was to be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes. We also indicated that when the appropriate fees, statutory penalties, interest charges, and fine were received, this docket would be closed.

In addition, we explained that if Mr. Ridley failed to comply with Order No. PSC-97-1454-FOF-TC within five business days from

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the date the Order became final, we would cancel Mr. Ridley's certificate and the docket would be closed. Furthermore, if the certificate were canceled, then all certificated local exchange companies would be instructed to discontinue service to Mr. Ridley, pursuant to Rule 25-24.510, Florida Administrative Code, Certificate of Public Convenience and Necessity Required.

On December 4, 1997, Mr. Ridley protested the Order No. PSC-97-1454-FOF-TC, thereby rendering the proposed agency action order a nullity. We have not, however, received any further contact from Mr. Ridley. Mr. Ridley has failed to pursue his protest to any degree. Mr. Ridley did not comply with any portion of the Order Establishing Procedure for this Docket, Order No. PSC-99-0520-PCO-TC, issued March 18, 1999, nor did he appear at the August 16, 1999, prehearing conference. Therefore, the September 3, 1999, hearing was continued to allow us to consider whether we should proceed with this matter any further.

Upon consideration of the foregoing, we hereby dismiss Mr. Ridley's December 4, 1997, protest and reinstate Order No. PSC-97-1454-FOF-TC as a final order, effective October 5, 1999, with the modification that Mr. Ridley no longer has five days to pay the \$500 fine in order to avoid cancellation of his certificate. Mr. Ridley has failed to pursue his protest and has refused to pay the fine amount and his past due regulatory assessment fees; therefore, his certificate shall be canceled. All past due regulatory assessment fees for Mr. Ridley, along with statutory penalties and interest charges, shall be forwarded to the Office of the Comptroller for further collection efforts, and all certificated local exchange companies will be instructed to discontinue service to Mr. Ridley, pursuant to Rule 25-24.510, Florida Administrative Code, Certificate of Public Convenience and Necessity Required.

The action taken herein shall in no way relieve Mr. Ridley of his obligation to pay 1997 and 1998, regulatory assessment fees, which are now also past due, and 1999 regulatory assessment fees, which are not yet past due. The 1997 and 1998 fees shall be forwarded to the Office of the Comptroller for further collection efforts, along with statutory penalties and interest charges. If Mr. Ridley fails to pay 1999 regulatory assessment fees, the 1999 fees shall also be forwarded to the Office of the Comptroller for further collection efforts. Failure to pay 1997, 1998, and 1999 fees shall not, however, result in additional punitive action by this Commission.

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Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the December 4, 1997, protest of Order No. 97-1454-FOF-TC filed by Mark D. Ridley is hereby dismissed. It is further

ORDERED that Order No. PSC-97-1454-FOF-TC shall be reinstated as a final order, effective October 5, 1999, as modified in the body of this Order. It is further

ORDERED that Certificate No. 3905, held by Mark D. Ridley, is cancelled, effective on the issuance date of this Order. It is further

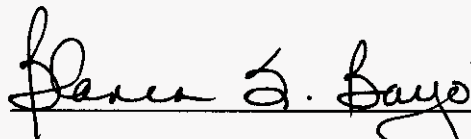
ORDERED that all past due regulatory assessment fees through 1998, along with the applicable statutory penalties and interest, shall be forwarded to the Office of the Comptroller for further collection efforts. It is further

ORDERED that all Florida-certificated local exchange companies shall discontinue service to Mark D. Ridley in accordance with Rule 25-24.510, Florida Administrative Code. It is further

ORDERED that the 1999 regulatory assessment fees for Mark D. Ridley shall also be forwarded to the Office of the Comptroller for further collection efforts if the 1999 regulatory assessment fees become past due. It is further

ORDERED that this docket may be closed.

By ORDER of the Florida Public Service Commission this 22nd day of October, 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.