

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5435 issued to Mark Wayne Roberts for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991159-TC

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5436 issued to BT Foods, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991160-TC

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5437 issued to Steven F. Guy d/b/a Suncoast Payphones for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991161-TC

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5231 issued to James A. Schmidt for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991163-TC

DOCUMENT NUMBER-DATE

13772 NOV-98

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-2203-PAA-TC
DOCKET NOS. 991159-TC, 991160-TC, 991161-TC, 991163-TC, 991164-TC
PAGE 2

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5230
issued to Armin Gray for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991164-TC
ORDER NO. PSC-99-2203-PAA-TC
ISSUED: November 9, 1999

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINES AND REQUIRING PAYMENT OF REGULATORY
ASSESSMENT FEES, OR CANCELING PAY TELEPHONE CERTIFICATES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

The entities listed below have not paid the regulatory
assessment fees required by Section 364.336, Florida Statutes, and
Rule 25-4.0161, Florida Administrative Code, for the year(s)
specified below. Also, accrued statutory penalties and interest
charges have 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. Pursuant to 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. All applicants must attest that these rules have been received and understood by the applicant and an affidavit must be attached to the application in order for the application to be processed.

Pursuant to Section 350.113(4), Florida Statutes, the regulatory assessment fee 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 entities have been given adequate opportunity to pay. The Commission's correspondence regarding the regulatory assessment fees was received but not acknowledged. As of the date of this vote, the entities have not paid the required fees.

For the reason described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel each entity's certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless each entity pays a \$500 fine and remits all past due regulatory assessment fees, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. Each entity must comply with these requirements within five business days after the conclusion of the 21-day protest period. The fines will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285 (1), Florida Statutes.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
Mark Wayne Roberts	5435	1998	1998
BT Foods, Inc.	5436	1998	1998
Steven F. Guy d/b/a Suncoast Payphones	5437	1998	1998

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
James A. Schmidt	5231	1998	1998
Armin Gray	5230	1998	1998

As the appropriate fees, statutory penalties, interest charges, and fines are received, each Docket shall be closed. Should any of the entities fail to comply with this Order within five business days after the conclusion of the 21-day protest period, the entity shall have its certificate canceled, effective on the date of issuance of the Consummating Order, and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes any of the entity's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein must pay the past due regulatory assessment fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the conclusion of the 21-day protest period. The fines will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's certificate shall be canceled, effective on the date of issuance of the Consummating Order, and the respective Docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes any of the entities' obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

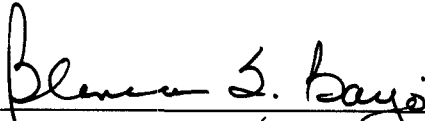
ORDER NO. PSC-99-2203-PAA-TC
DOCKET NOS. 991159-TC, 991160-TC, 991161-TC, 991163-TC, 991164-TC
PAGE 5

ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, these Dockets shall be closed upon payment of the fines, and fees, or upon cancellation of the certificates.

By ORDER of the Florida Public Service Commission this 9th day of November, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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ORDER NO. PSC-99-2203-PAA-TC
DOCKET NOS. 991159-TC, 991160-TC, 991161-TC, 991163-TC, 991164-TC
PAGE 6

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 30, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.