

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5607
issued to Payphone Connection
Inc. for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991193-TC
ORDER NO. PSC-99-2217-AS-TC
ISSUED: November 10, 1999

The following Commissioners participated in the disposition of
this matter:

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

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Payphone Connection Inc. (Payphone Connection) currently holds
Certificate of Public Convenience and Necessity No. 5607, issued by
the Commission on April 16, 1998, authorizing the provision of Pay
Telephone service. The Division of Administration advised our staff
by memorandum that Payphone Connection had not paid the 1998
Regulatory Assessment Fees (RAFs). Also, accrued statutory
penalties and interest charges for late RAFs payments for the year
1998 had not been paid. RAFs are required by Section 364.336,
Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

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 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. The RAFs form was
mailed to Payphone Connection for the period of January 1, 1998,

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-2217-AS-TC
DOCKET NO. 991193-TC
PAGE 2

through December 31, 1998 on December 10, 1998. 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. However, pursuant to Section 350.113(4), Florida Statutes, the Commission shall provide at least a 45 days notice of the date the payment is due prior to the due date. Payphone Connection was scheduled to remit its RAFs by February 1, 1999. On January 28, 1999, Payphone Connection returned the 1998 RAFs form and enclosed a check for \$1.34, which is less than the \$50 minimum amount due.

On September 21, 1999, Mr. David L. Stewart, Payphone Connection's Business Manager, contacted our staff and advised our staff that Payphone Connection would pay the past due amount, and would make a settlement offer. On September 24, 1999, the Division of Administration received the past due amount and a settlement offer to pay future RAFs in a timely basis 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. Payphone Connection must comply with these requirements within five business days from the date of issuance 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. If Payphone Connection fails to comply with this Order, its certificate will be canceled administratively. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed.

Based on the foregoing, it is

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

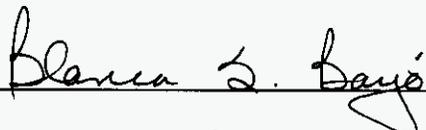
ORDERED that this docket shall remain open pending receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if Payphone Connection Inc. fails to comply with this Order, its Pay Telephone Certificate No. 5607 will be canceled administratively. It is further

ORDER NO. PSC-99-2217-AS-TC
DOCKET NO. 991193-TC
PAGE 3

ORDERED that upon receipt of the \$100 contribution or cancellation of the certificate, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 10th day of November, 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.