

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 4107  
issued to Mark Mocas for  
violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 991024-TC  
ORDER NO. PSC-99-2289-FOF-TC  
ISSUED: November 23, 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 CANCELING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

Mark Mocas (Mr. Mocas) currently holds Certificate of Public Convenience and Necessity No. 4107, issued by the Commission on February 10, 1995, authorizing the provision of Pay Telephone service (PATS). The Division of Administration advised our staff by memorandum that Mr. Mocas had not paid the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 1998. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1998 had not been paid.

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 (PATS) 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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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At the September 7, 1999, Agenda Conference, we voted to impose a \$500 fine and required payment of the fine and fees or Mr. Mocas' certificate would be canceled. After the Order was issued, Mrs. Susan DeMatteis called our staff. On September 8, 1999, we received Mr. Mocas' RAFs, including penalty and interest charges, along with a letter requesting voluntary cancellation of his certificate.

Mr. Mocas has complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of his request for cancellation of his PATS certificate and by submitting his RAFs for the year 1998. Accordingly, we find it appropriate to cancel PATS Certificate No. 4107, effective September 8, 1999.

Mr. Mocas shall return his certificate to this Commission. In addition, 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. A RAFs Return notice for 1999 will be mailed to Mr. Mocas. Neither the cancellation of his certificate nor the failure to receive a RAFs Return notice for the year 1999 shall relieve Mr. Mocas from his obligation to pay RAFs for 1999.

Based on the foregoing, it is

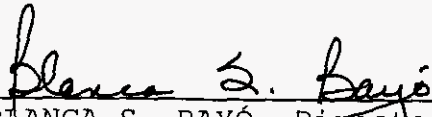
ORDERED by the Florida Public Service Commission that Mark Mocas' Certificate No. 4107 to provide Pay Telephone services is hereby canceled, effective September 8, 1999. It is further

ORDERED that Mark Mocas shall return his certificate to this Commission and remit Regulatory Assessment Fees for the year 1999. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission this 23rd  
day of November, 1999.

  
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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.