

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5083
issued to Sun Tel North America,
Inc. for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991134-TC
ORDER NO. PSC-99-2408-AS-TC
ISSUED: December 8, 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:

Sun Tel North America, Inc. (Sun Tel North America) currently holds Certificate of Public Convenience and Necessity No. 5083, issued by the Commission on February 20, 1997, authorizing the provision of Pay Telephone service. The Division of Administration advised our staff by memorandum that Sun Tel North America had not paid the 1998 Regulatory Assessment Fees (RAFTs). Also, accrued statutory penalties and interest charges for late RAFTs payments for the year 1998 had not been paid. RAFTs 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

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FPSC-RECORDS/REPORTING

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active during any portion of the calendar year. The RAFs form was mailed to Sun Tel North America for the period of January 1, 1998, 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. Sun Tel North America was scheduled to remit its RAFs by February 1, 1999.

On September 17, 1999, Ms. Sunny Blumenfeld, Sun Tel North America's representative, contacted our staff to request information about this docket. Ms. Lorie Guerrera, Sun Tel North America's Chief Financial Officer, contacted our staff on October 7, 1999, and advised that Sun Tel North America would pay the past due amount and would make a settlement offer. On October 14, 1999, Sun Tel North America paid the past due amount in full and proposed to contribute \$100 to the State General Revenue Fund and to pay future RAFs in a timely basis.

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. Sun Tel North America 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 Sun Tel North America fails to comply with this Order, its certificate will be cancelled 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 Sun Tel North America, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

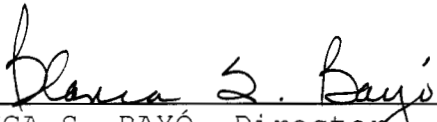
ORDERED that this docket shall remain open pending receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

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ORDERED that if Sun Tel North America, Inc. fails to comply with this Order, its Pay Telephone Certificate No. 5083 will be cancelled administratively. It is further

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 8th day of December, 1999.



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

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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

December 7, 1999

✓ RECEIVED-FPSC

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *WMP SR*

RE: DOCKET NO. 991134-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5083 ISSUED TO SUN TEL NORTH AMERICA, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

2408-AS

Attached is a **Revised** 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: 991134s.kmp

*boxed - 2/0
mailed - 2/0*