

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5929
issued to Brian Martinson and
Jim Spinelli for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991340-TC
ORDER NO. PSC-99-2520-FOF-TC
ISSUED: December 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:

Brian Martinson and Jim Spinelli (Mr. Martinson and Mr. Spinelli) currently hold Certificate of Public Convenience and Necessity No. 5929, issued by the Commission on October 13, 1998, authorizing the provision of Pay Telephone service (PATS). The Division of Administration advised our staff by memorandum that Mr. Martinson and Mr. Spinelli 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.

On October 4, 1999, Mr. Spinelli contacted our staff and advised that their records showed that they had sent a check, but

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that it had not been cashed. He further stated that the past due amount plus the 1999 RAFs and requested cancellation of their certificate. On October 19, 1999, we received Mr. Martinson and Mr. Spinelli' RAFs, including penalty and interest charges, and a letter requesting voluntary cancellation of their certificate. In addition, Mr. Martinson and Mr. Spinelli paid the 1999 RAFs, which are not due until January 31, 2000.

Mr. Martinson and Mr. Spinelli have complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of their request for cancellation of their PATS certificate and by submitting their RAFs for the year 1998. Accordingly, we find it appropriate to cancel PATS Certificate No. 5929, effective October 19, 1999. Mr. Martinson and Mr. Spinelli shall return their certificate to this Commission.

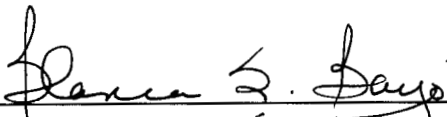
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Brian Martinson and Jim Spinelli's Certificate No. 5929 to provide Pay Telephone services is hereby canceled, effective October 19, 1999. It is further

ORDERED that Brian Martinson and Jim Spinelli shall return their certificate to this Commission. It is further

ORDERED that this Docket is closed.

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