

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3359
issued to Richard O. and Ann C.
Hance for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 990908-TC
ORDER NO. PSC-00-0055-AS-TC
ISSUED: January 7, 2000

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:

Richard O. and Ann C. Hance (Mr. and Ms. Hance) currently hold Certificate of Public Convenience and Necessity No. 3359, issued by the Commission on June 11, 1993, authorizing the provision of Pay Telephone service. The Division of Administration advised our staff by memorandum that Mr. and Ms. Hance had not paid the 1998 Regulatory Assessment Fees (RAFTs). Also, accrued statutory penalties and interest charges for late RAFTs payments for the years 1993, 1995, 1996, and 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 RAFT of \$50 if the certificate was

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active during any portion of the calendar year. The RAFs form was mailed to Mr. and Ms. Hance 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. Mr. and Ms. Hance was scheduled to remit their RAFs by February 1, 1999.

On August 24, 1999, Ms. Hance contacted our staff and advised that she had mailed her 1998 RAFs in January of 1999. She further advised that she would send another check for the RAFs, along with statutory penalties and interest charges. We received the check for the 1998 RAFs on August 26, 1999, however, Ms. Hance did not include the past due statutory penalties and interest charges for the years 1993, 1995, and 1996. On September 20, 1999, Order No. PSC-99-1817-PAA-TC was issued to impose a \$500 fine or cancel Mr. and Ms. Hance's certificate for violation of our rules. Mr. and Ms. Hance had until October 11, 1999, to respond to the Order. Subsequently, Ms. Hance contacted our staff on September 27, 1999, and stated that she would file a settlement offer and pay the past due amount in full. On October 11, 1999, we received from Mr. and Ms. Hance a check for the past due amount in full, and a letter from Ms. Hance which enclosed a copy of the RAFs form, along with a copy of the check dated January 31, 1999. Ms. Hance assured us in her letter she would not only pay RAFs in a timely manner in the future, but would confirm that the fees had been received.

Due to the extenuating circumstances, we believe that Mr. and Ms. Hance did attempt to comply with Commission rules by paying the RAFs by January 30, 1999. Although, we did not receive Mr. and Ms. Hance's check and 1998 RAF form, we believe it would serve no purpose to fine Mr. and Ms. Hance.

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. 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.

Based on the foregoing, it is

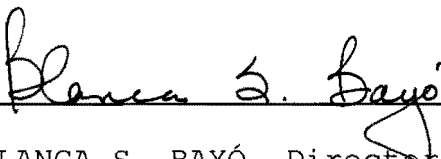
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ORDERED by the Florida Public Service Commission that Richard O. and Ann C. Hance's settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that the contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 7th day of January, 2000.



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.