

Original

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5968
issued to "Hoch and Sons
Incorporated" for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991343-TC

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5976
issued to Michael V. Davis for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991349-TC
ORDER NO. PSC-00-0555-AS-TC
ISSUED: March 17, 2000

The following Commissioners participated in the disposition of
this matter:

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

ORDER APPROVING SETTLEMENTS

BY THE COMMISSION:

The entities listed below currently hold a Certificate of
Public Convenience and Necessity authorizing the provision of Pay
Telephone (PATS) service. The Division of Administration advised
our staff by memorandum that these entities had paid neither the
Regulatory Assessment Fees (RAFs) required by Section 364.336,
Florida Statutes, and Rule 25-4.0161, Florida Administrative Code,
nor statutory penalties and interest charges for late RAFs payments
for the year listed below.

DOCUMENT NUMBER-DATE

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<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
"Hoch and Sons Incorporated"	5968	1998	1998
Michael V. Davis	5976	1998	1998

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 each of these entities for the period of January 1, 1998, through December 31, 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. Each of the entities listed was scheduled to remit its RAFs by February 1, 1999.

After the dockets were opened, each of the entities contacted our staff and advised that they never received the 1998 RAFs form. All entities that apply for certification receive a copy of our rules governing PATS service and the RAFs rule. The RAFs rule requires payment of RAFs even if a company does not receive a RAFs notice. 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. However, we believe that it is important for a RAFs notice to be mailed the first year a certificated entity is in business. Our staff has researched our records and it appears that it is possible that the notices were not sent to these entities.

Therefore, due to the extenuating circumstances, we believe that these entities should be allowed to comply with Commission rules and that it would serve no purpose to fine any of these entities. Accordingly, we hereby accept the terms of each of entities' settlement agreements.

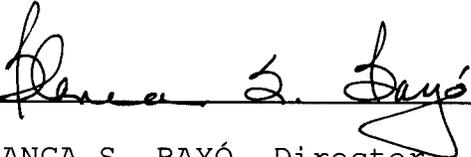
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities' settlement proposals summarized in the body of this Order are hereby approved. It is further

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ORDERED that these dockets are closed.

By ORDER of the Florida Public Service Commission this 17th
day of March, 2000.



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.

M E M O R A N D U M

March 16, 2000

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp B/C*

RE: DOCKET NO. 991343-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5968 ISSUED TO "HOCH AND SONS INCORPORATED" FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

DOCKET NO. 991349-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5976 ISSUED TO MICHAEL V. DAVIS FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

0555-AS

Attached is an ORDER APPROVING SETTLEMENTS, to be issued in the above-referenced docket. (Number of pages in order - *3*)

KMP/anc
Attachment
cc: Division of Communications
I: 991349s.kmp

*pared - 0/2
mailed - 0/2*