

Original

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5576
issued to Waterline Yachts, Inc.
for violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991253-TC

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5857
issued to Nellie Daniel/Valerie
Ferris d/b/a National Phone
Network for violation of Rule
25-4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991300-TC

In re: Cancellation by Florida
Public Service Commission of
PATS Certificate No. 5965 issued
to K.L. Kinard for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991314-TC

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5979
issued to Carl Wenger for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991353-TC
ORDER NO. PSC-00-0823-FOF-TC
ISSUED: April 26, 2000

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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 CANCELLING PAY TELEPHONE CERTIFICATES

The entities listed below currently hold a Certificate of Public Convenience and Necessity authorizing the provision of Pay Telephone 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 1998.

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 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 Orders were issued to impose fines or cancel the certificates, each of the entities contacted our staff, paid the past due amounts in full, including statutory penalties and interest charges, and requested voluntary cancellation of their

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respective certificates. Accordingly, we find it appropriate to cancel the certificates listed below, effective on the dates shown.

| <u>ENTITY'S NAME</u> | <u>CERTIFICATE NO.</u> | <u>EFFECTIVE DATE</u> |
|---|------------------------|-----------------------|
| Waterline Yachts, Inc. | 5576 | 12/20/99 |
| Nellie Daniel/Valerie Ferris d/b/a National Phone Network | 5857 | 12/31/99 |
| K.L. Kinard | 5965 | 12/31/99 |
| Carl Wenger | 5979 | 12/31/99 |

Each entity shall return its certificate to this Commission. In addition, A RAFs Return notice for 1999 has been mailed to each of the above entities. Neither the cancellation of their certificates nor the failure to receive their RAFs Return notice for 1999 shall relieve these entities from their obligation to pay RAFs for 1999.

Based on the foregoing, it is

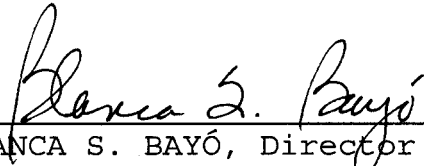
ORDERED by the Florida Public Service Commission that the Pay Telephone certificates listed herein are hereby canceled, effective on the dates shown above. It is further

ORDERED that each entity shall return its certificate and remit Regulatory Assessment Fees for 1999. It is further

ORDERED that these Dockets are closed.

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By ORDER of the Florida Public Service Commission this 26th
day of April, 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.