

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5589
issued to Rogher Imports
Corporation for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991255-TC
ORDER NO. PSC-00-0851-AS-TC
ISSUED: April 28, 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 SETTLEMENT

BY THE COMMISSION:

Rogher Imports Corporation (Rogher Imports) obtained Certificate No. 5589 on March 21, 1998, to provide Pay Telephone service. Rogher Imports had not paid the 1998 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1998 had not been paid. RAFs 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 active during any portion of the calendar year. The RAFs form was mailed to Rogher Imports for the period of January 1, 1998, through

DOCUMENT NUMBER-DATE

05249 APR 28 8

FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-0851-AS-TC
DOCKET NO. 991255-TC
PAGE 2

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. Rogher Imports was scheduled to remit its RAFs by February 1, 1999. As of March 17, 1999, Rogher Imports had not paid the required fees.

By Order No. PSC-99-2387-PAA-TC, issued December 7, 1999, we imposed a \$500 fine for violation of the RAFs rule. Failure to comply with the order would result in the cancellation of Rogher Imports' certificate. After the Order was issued, Mr. Jean-Marc Geronimos, President of Rogher Imports, contacted our staff and requested information to resolve this matter. Subsequently, we received the past due amount, including the 1999 RAFs, and Rogher Imports proposed to contribute \$100 to the State General Revenue Fund and pay future RAFs on 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. Rogher Imports must comply with these requirements within ten business days from the date this Order becomes final. The contribution should be identified with the docket number and the company name. Upon timely receipt, 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 Rogher Imports fails to comply with this Order, its certificate will be canceled 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 Rogher Imports Corporation'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

ORDER NO. PSC-00-0851-AS-TC
DOCKET NO. 991255-TC
PAGE 3

ORDERED that if Rogher Imports Corporation fails to comply with this Order, its certificate will be canceled 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 28th 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

ORDER NO. PSC-00-0851-AS-TC
DOCKET NO. 991255-TC
PAGE 4

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.