

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Service Certificate  
No. 5381 issued to Bestel, Inc.  
for violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 992013-TC  
ORDER NO. PSC-00-0859-PAA-TC  
ISSUED: May 2, 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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER IMPOSING FINE AND REQUIRING PAYMENT OF DELINQUENT  
REGULATORY ASSESSMENT FEES, OR CANCELING PAY TELEPHONE  
CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service  
Commission that the action discussed herein is preliminary in  
nature and will become final unless a person whose interests are  
substantially affected files a petition for a formal proceeding,  
pursuant to Rule 25-22.029, Florida Administrative Code.

Bestel, Inc. (Bestel) obtained Pay Telephone (PATS)  
Certificate No. 5381 on July 18, 1997. Bestel has not paid the  
Regulatory Assessment Fees (RAFs) required by Section 364.336,  
Florida Statutes, and Rule 25-4.0161, Florida Administrative Code,  
for the years 1998 and 1999. Also, accrued statutory penalties and  
interest charges for the years 1998 and 1999 have not been paid.

Pursuant to Section 364.336, Florida Statutes, certificate  
holders must pay a minimum annual RAFs 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

DOCUMENT NUMBER-DATE

05436 MAY-28

FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-0859-PAA-TC  
DOCKET NO. 992013-TC  
PAGE 2

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 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.

Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. Bestel has been given adequate opportunity to pay. To date, Bestel has not paid the required fees.

This is the second time a docket has been opened against Bestel for nonpayment of the RAFs. Docket No. 981438-TC was opened to address the nonpayment of the 1997 RAFs. On June 8, 1999, Order No. PSC-99-1180-FOF-TC was issued to accept Bestel's settlement proposal. Bestel paid the past dues RAFS, including statutory penalty and interest charges, the settlement amount, and the docket was closed.

For the reasons described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Bestel's certificate for failure to pay RAFs pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Bestel pays a \$1,000 fine and remits all past due RAFs for the years 1998 and 1999, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. Bestel must comply with these requirements within five business days after the date of issuance of the Consummating Order. The fine will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and fine are received, this Docket shall be closed. Should Bestel fail to comply with this Order within five business days after the date of issuance of the Consummating Order, Bestel shall have its certificate canceled, effective on the date of issuance of the Consummating Order, and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes Bestel's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges.

ORDER NO. PSC-00-0859-PAA-TC  
DOCKET NO. 992013-TC  
PAGE 3

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Bestel, Inc. must pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$1,000 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the date of issuance of the Consummating Order. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that pursuant to Rule 25-24.514(1)(b), Florida Administrative Code, should Bestel, Inc. fail to comply with this Order, Bestel, Inc.'s Certificate No. 5381 shall be canceled, effective on the date of issuance of the Consummating Order, and the Docket shall be closed. It is further

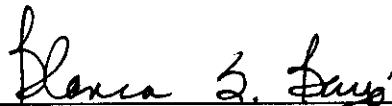
ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes Bestel, Inc.'s obligation to pay applicable delinquent Regulatory Assessment Fees for the years 1998 and 1999, and accrued statutory penalties and interest charges for the years 1998 and 1999. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fine, and fees, or upon cancellation of the certificate.

ORDER NO. PSC-00-0859-PAA-TC  
DOCKET NO. 992013-TC  
PAGE 4

By ORDER of the Florida Public Service Commission this 2nd day of May, 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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 23, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.