

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4339
issued to Vernie R. & Shemanne
K. Spicer for violation of Rule
25-24.520, F.A.C., Reporting
Requirements.

DOCKET NO. 991207-TC
ORDER NO. PSC-00-1179-FOF-TC
ISSUED: June 29, 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 RENDERING ORDER NO. PSC-99-2402-PAA-TC
FINAL AND CLOSING DOCKET

BY THE COMMISSION:

Vernie R. & Shemanne K. Spicer (the company) currently holds
Certificate of Public Convenience and Necessity No. 4339, issued by
the Commission on November 28, 1995, authorizing the provision of
Pay Telephone service (PATS).

On July 29, 1999, and again on July 30, 1999, correspondence
sent by Commission staff to the company was returned by the United
States Postal Service. The return of these materials indicated
that the company may have violated Rule 25-24.520, Florida
Administrative Code, which requires the reporting to the Commission
of an address change and/or a change in the name, title, or
telephone number of the individual responsible for Commission
contacts, within ten (10) days of its effectiveness. 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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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It had been well over 10 days and the company had neither provided the information required by Rule 25-24.520, Florida Administrative Code, nor requested cancellation of its certificate in compliance with Rule 25-24.514, Florida Administrative Code. Therefore, by Order No. PSC-99-2402-PAA-TC, issued on December 8, 1999, we imposed a \$500 fine and required the company to provide the information required by Rule 25-24.520, Florida Administrative Code. Failure to comply or protest the Order would result in the cancellation of its certificate. The company was required to respond to the Order by December 29, 1999. On December 27, 1999, the Commission received a faxed response from the company. Subsequently, the original was received on January 3, 2000.

Mr. Spicer advised the Commission that he had notified the Commission of his new address on September 29, 1999, after the docket was opened, and stated that he would like to keep the certificate active but could not afford to pay the \$500 fine. Therefore, Order No. PSC-99-2402-PAA-TC was not consummated and the docket was left open to negotiate a settlement.

On February 4, 2000, our staff wrote the company and explained that even though it had provided the Commission with its updated reporting requirements, the docket had been already opened and that consistent with other, similar dockets, a monetary settlement needed to be proposed by the company in order to keep its certificate active.

On March 16, 2000, our staff wrote the company a certified letter and explained that Order No. PSC-99-2402-PAA-TC stated that either a \$500 fine would be assessed or that the certificate would be canceled. Our staff explained that just providing its updated reporting requirements was not an option set forth in the Order. Further, our staff advised that unless an acceptable settlement proposal was received by April 3, 2000, they would consider that its protest was withdrawn, and would recommend that Order No. PSC-99-2402-PAA-TC would be considered final. As of the date of our vote, the company has still not responded.

We note that the company did not file a response to the Commission's Proposed Agency Action Order as required by Rule 28-106.201, Florida Administrative Code, as set forth in Rule 25-22.029(3), Florida Administrative Code, and did not request a hearing. Instead, the company simply advised that it had already provided the Commission with its correct address.

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Therefore, for the reasons described above, we find it appropriate to render Order No. PSC-99-2402-PAA-TC a Final Order. If the company fails to pay in full the required fine within five business days of the issuance of this Order, Vernie R. & Shemanne K. Spicer's Certificate No. 4339 shall be canceled in accordance with Order No. PSC-99-2402-PAA-TC. If the fine is paid, it shall be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. Whether or not Vernie R. & Shemanne K. Spicer pays the required fine, this docket shall be closed upon expiration of the five business days as no further action by the Commission is required.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-99-2402-PAA-TC is hereby rendered final and effective as of the date of issuance of this Order. It is further

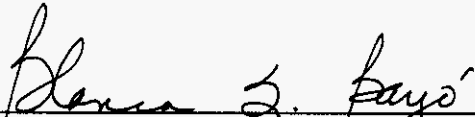
ORDERED that Vernie R. & Shemanne K. Spicer must pay a \$500 fine, as required by Order No. PSC-99-2402-PAA-TC, within five business days of the issuance of this Order. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Vernie R. & Shemanne K. Spicer fail to comply with this Order, Vernie R. & Shemanne K. Spicer's Certificate No. 4339 shall be canceled administratively, and this Docket shall be closed. It is further

ORDERED that this docket shall be closed five business days from the issuance date of this Order.

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By ORDER of the Florida Public Service Commission this 29th
day of June, 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.