

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Service Certificate
No. 1788 issued to Sunshine
Shell for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 992009-TC
ORDER NO. PSC-00-1474-AS-TC
ISSUED: August 15, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Sunshine Shell currently holds Certificate of Public Convenience and Necessity No. 1788, issued by the Commission on December 24, 1987, authorizing the provision of Pay Telephone service. The Division of Administration advised our staff by memorandum that Sunshine Shell had not paid the 1998 Regulatory Assessment Fees (RAFTs). Also, accrued statutory penalties and interest charges for late RAFTs payments for the years 1992, 1994, 1995, and 1998 had not been paid. RAFTs 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 RAFT of \$50 if the certificate was active during any portion of the calendar year. The RAFTs form was mailed to Sunshine Shell for the period of January 1, 1998, through

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FPSC-RECORDS/REPORTING

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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. Sunshine Shell was scheduled to remit its RAFs by February 1, 1999. On March 23, 1999, we received partial payment for the 1998 RAFs without statutory penalties and interest charges. The RAFs form for the year 1999 was mailed to Sunshine Shell on December 8, 1999, and a delinquent notice for the 1999 RAFs was mailed on February 29, 2000.

On April 26, 2000, Order No. PSC-00-0822-PAA-TC was issued to impose a \$500 fine or cancel Sunshine Shell's certificate for violation of our rules. On May 16, 2000, Sunshine Shell paid the past due charges for 1992, 1994, 1995, 1998, and 1999, including all statutory penalties and interest charges. Sunshine Shell also proposed to contribute \$100 to the State General Revenue Fund and to pay future RAFs in 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. Sunshine Shell must comply with these requirements within five business days from the date of issuance of this Order. 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 Sunshine Shell 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 Sunshine Shell'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 It is further

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ORDERED that if Sunshine Shell fails to comply with this Order, its Pay Telephone Certificate No. 1788 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 15th day of August, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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

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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.