

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 4368  
issued to James M. Bracewell  
d/b/a Southern Tele-  
Communications for violation of  
Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 000968-TC  
ORDER NO. PSC-00-1815-PAA-TC  
ISSUED: October 4, 2000

The following Commissioners participated in the disposition of  
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER REQUIRING PAYMENT OF REGULATORY ASSESSMENT  
FEES, AND 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.

James M. Bracewell d/b/a Southern Tele-Communications  
(Southern Tele-Communications) currently holds Certificate of  
Public Convenience and Necessity No. 4368, issued by the Commission  
on January 6, 1996, authorizing the provision of Pay Telephone  
service (PATS). The Division of Administration advised our staff  
by memorandum that Southern Tele-Communications had not paid the  
Regulatory Assessment Fees (RAFs) required by Section 364.336,  
Florida Statutes, and Rule 25-4.0161, Florida Administrative Code,  
for the year 1999. Also, accrued statutory penalties and interest

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charges for late RAFs payments for the year 1999 had not been paid.

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. 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. 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 the entities at least 45 days prior to the date that payment of the fee is due. Southern Tele-Communications has been given adequate opportunity to pay. As of the date of this vote, Southern Tele-Communications has not paid the required fees.

Southern Tele-Communications has a history of late payments. Its certificate became effective January 6, 1996, and every year it has paid after the due date. In addition, two other dockets were established in previous years to address nonpayment of the Regulatory Assessment Fees. In the latest docket, No. 981273-TC, the company proposed to pay future RAFs on a timely basis; therefore, Southern Tele-Communications is in noncompliance of its previous settlement proposal. Since this is the third docket established for nonpayment of the RAFs, we believe Southern Tele-Communications should be well aware when the fees are due each year. To our knowledge, this is the first time a company has had three dockets established for nonpayment of the RAFs. This case is unique in that there is not a comparable previous Commission decision; therefore, we believe that cancellation of the company's certificate is the appropriate action in the disposition of this matter.

Therefore, for the reason described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Southern Tele-Communications' certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. If the past due fee, including statutory penalty and interest charges, is not received within five business days after the issuance of the Consummating Order, the amount shall be turned over to the Office of the

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Comptroller for collection. If the Commission's Order is not protested, Southern Tele-Communications's Certificate No. 4368 shall be canceled administratively, and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes Southern Tele-Communications' obligation to pay applicable delinquent RAFs, statutory penalties, and interest charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that James M. Bracewell d/b/a Southern Tele-Communications' Certificate No. 4368 to provide Pay Telephone services is hereby canceled for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that James M. Bracewell d/b/a Southern Tele-Communications must pay the past due Regulatory Assessment Fees, statutory penalties, interest charges to the Florida Public Service Commission within five business days after the issuance of the Consummating Order, or the amount shall be turned over to the Office of the Comptroller for collection. It is further

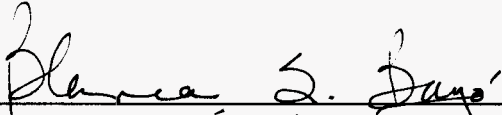
ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes James M. Bracewell d/b/a Southern Tele-Communications' obligation to pay applicable delinquent Regulatory Assessment Fees, statutory penalties, and interest charges. It is further

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 upon cancellation of the certificate.

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By ORDER of the Florida Public Service Commission this 4th day  
of October, 2000.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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 October 25, 2000.

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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.