

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 3654  
issued to Wellington N. Dickson  
for violation of Rule No. 25-  
4.0161, F.A.C., Regulatory  
Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 000931-TC  
ORDER NO. PSC-01-0203-FOF-TC  
ISSUED: January 22, 2001

The following Commissioners participated in the disposition of  
this matter:

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

ORDER RENDERING ORDER NO. PSC-00-1707-PAA-TC  
FINAL AND CLOSING DOCKET

BY THE COMMISSION:

Wellington N. Dickson currently holds Certificate of Public  
Convenience and Necessity No. 3654, issued by the Commission on  
January 27, 1994, authorizing the provision of Pay Telephone  
service (PATS).

The Division of Administration advised our staff by memorandum  
that Wellington N. Dickson 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 charges 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

DOCUMENT NUMBER-DATE

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FPCO-RECORDS/REPORTING

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Commission by January 30 of the subsequent year. All entities that apply for certification receive a copy of our rules governing PATS service.

Therefore, by Order No. PSC-00-1707-PAA-TC issued on September 25, 2000, we imposed a \$500 fine and or canceled the certificate for violation of Rule 25-4.0161, Florida Administrative Code, and Section 364.336, Florida Statutes. Failure to comply or protest the Order would result in the cancellation of its certificate. Order No. PSC-00-1707-PAA-TC was never consummated because Mr. Dickson responded to the Order on October 2, 2000 telling the Commission that he was no longer in business. Staff notified Mr. Dickson of his need to pay the delinquent RAFs, penalties and interest in order to receive a voluntary cancellation of the certificate. As of December 13, 2000, the Commission has not heard from Mr. Dickson.

We note that Mr. Dickson's response to the Commission's Proposed Agency Action Order did not comply with Rule 28-106.201, Florida Administrative Code, and did not request a hearing. Instead, the company simply advised that it was no longer in business and did not pay the 1999 RAFs and statutory penalty and interest as required for a voluntary cancellation of the certificate. Therefore, for the reasons described above, we find it appropriate to render Order No. PSC-00-1707-PAA-TC a Final Order. If Mr. Dickson fails to pay in full the required fees, including statutory penalty and interest charges, within five business days of the issuance of this Order, Wellington N. Dickson's Certificate No. 6050 will be canceled effective December 20, 1999 in accordance with Order No. PSC-00-1707-PAA-TC. Whether or not Wellington N. Dickson pays the required fees, this docket shall be closed upon the expiration of the five business days as no further action by the Commission is required. If Wellington N. Dickson fails to pay the 1999 RAFs, plus the 1999 statutory penalty and interest charges, the unpaid fees should be forwarded to the Office of the Comptroller for further collection efforts. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes.

Based upon the foregoing, it is

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ORDERED by the Florida Public Service Commission that Order No. PSC-00-1707-PAA-TC is hereby rendered final and effective as of the date of the issuance of this Order. It is further


ORDERED that Wellington N. Dickson must pay a \$500 fine, as required by Order No. PSC-00-1704-PAA-TC, within five business days of issuance of this order. It is further

ORDERED that should Wellington N. Dickson not pay the \$500 fine, the 1999 RAFs and the statutory penalty and interest charges for 1999 shall be forwarded to the Office of the Comptroller for further collection. It is further

ORDERED that should Wellington N. Dickson fail to comply with this Order, Wellington N. Dickson's Certificate No. 3654 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.

By ORDER of the Florida Public Service Commission this 22nd day of January, 2001.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

JAE

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.