

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 2747
issued to Fred Tosti for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 010426-TC
ORDER NO. PSC-01-1410-FOF-TC
ISSUED: June 29, 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 GRANTING VOLUNTARY CANCELLATION OF
PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

Fred Tosti (Fred Tosti) currently holds Certificate of Public Convenience and Necessity No. 2747, issued by the Commission on July 2, 1991, authorizing the provision of pay telephone service. The Division of Administration advised our staff by memorandum that Fred Tosti had not paid the 2000 Regulatory Assessment Fees (RAFTs). Also, accrued statutory penalties and interest charges for late RAFTs payments for the year 2000 had not been paid. Fred Tosti was scheduled to remit its RAFTs by January 30, 2001.

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 pay telephone service.

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REG. REC. DIV. REPORTING

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On April 16, 2001, Mr. Greg Tosti, son of Fred Tosti, called our staff and explained that his father had recently passed away. On May 2, 2001, the Commission received a letter from Mr. Greg Tosti requesting the cancellation of his father's pay telephone certificate. He also asked that we write-off the RAFs due on his father pay telephone certificate, including penalty and interest costs. Accordingly we find it appropriate to cancel the certificate effective December 31, 2000. Mr. Greg Tosti shall return to this Commission the Order granting authority to provide pay telephone services. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

Based on the foregoing, it is

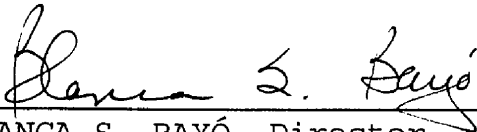
ORDERED by the Florida Public Service Commission that Fred Tosti's Certificate No. 2747 to provide pay telephone services is hereby canceled. It is further

ORDERED that the past due RAFs should not be sent to the Comptroller's Office for collection and permission to write off the uncollectible amount will be requested. It is further

ORDERED that Mr. Greg Tosti shall return to this Commission the Order granting authority to provide pay telephone service. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 29th Day of June, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)
JAE

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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 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.