

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 2406
issued to Lupton Industries for
violation of Rules 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies, and 25-24.520,
F.A.C., Reporting Requirements.

DOCKET NO. 010432-TC

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3777
issued to Creative Engineering
Concepts, Inc. for violation of
Rules 25-4.0161, F.A.C.,
Regulatory Assessment Fees, and
25-24.520, F.A.C., Reporting
Requirements.

DOCKET NO. 010445-TC
ORDER NO. PSC-01-1419-PAA-TC
ISSUED: July 2, 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

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINES, REQUIRING PAYMENT OF DELINQUENT REGULATORY
ASSESSMENT FEES AND REQUIRING INFORMATION IN ACCORDANCE
WITH RULE 25-24.520, FLORIDA ADMINISTRATIVE CODE,
OR CANCELING PAY TELEPHONE CERTIFICATES

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

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PSC-REG-REG-REPORTING

substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

The entities listed below have 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 specified below. Also, accrued statutory penalties and interest charges have 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 Pay Telephone service.

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. The entities have been given adequate opportunity to pay. As of the date of the vote, the entities have not paid the required fees.

The Commission's correspondence regarding the RAFs was returned by the United States Postal Service. The return of these materials indicates that each entity may have violated Rule 25-24.520, Florida Administrative Code, which requires the reporting to the Commission of an address change or a change in the name, title, or telephone number of the individual responsible for Commission contacts within ten (10) days of its effectiveness.

For the reason described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel each entity's certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless each entity pays a \$500 fine and remits all past due RAFs, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. We also find it appropriate to cancel each entity's certificate for failure to comply with Rule 25-24.520, Florida Administrative Code, unless each entity pays a \$500 fine and

provides the information required by Rule 25-24.520, Florida Administrative Code, to the Florida Public Service Commission. Each entity must comply with these requirements within five business days after the issuance of the Consummating Order. The payment should be identified with the docket number and the entity's name. The two fines, totaling \$1,000, will be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285, Florida Statutes.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
Lupton Industries	2406	2000	2000
Creative Engineering Concepts, Inc.	3777	2000	2000

When the appropriate fees, statutory penalties, interest charges, required information, and fines are received, each Docket shall be closed. Should any of the entities fail to comply with this Order within five business days after the issuance of the Consummating Order, the entity shall have its certificate canceled, effective on the date of issuance of the Consummating Order, the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts, and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes any of the entity's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein must pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fines will be transmitted to the

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Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that each of the entities listed herein must provide the correct mailing address, liaison information, and other information in accordance with Rule 25-24.520, Florida Administrative Code, and pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-24.520, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fine will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's certificate shall be canceled, effective on the date of issuance of the Consummating Order, the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts, and the respective Docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes any of the entities' obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. 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

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the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, these Dockets shall be closed upon payment of the fines, and fees, or upon cancellation of the certificates.

By ORDER of the Florida Public Service Commission this 2nd Day of July, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By:

Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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 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.

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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 July 23, 2001.

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.