

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 6012
issued to CoralCom, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 010555-TC

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3625
issued to Kevin Charles Bertram
for violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 010680-TC
ORDER NO. PSC-01-1842A-PAA-TC
ISSUED: October 4, 2001

AMENDATORY ORDER

BY THE COMMISSION:

On September 12, 2001, we issued Order No. PSC-01-1842-FOF-TC. Order No. PSC-01-1842-FOF-TC was issued to cancel involuntarily the certificates of CoralCom, Inc. and Kevin Charles Bertram. However, due to a scrivener's error, the body of Order No. PSC-01-1842-FOF-TC inadvertently reflected the incorrect language for this type of cancellation. Therefore, Order No. PSC-01-1842-FOF-TC is of no effect and the instant Order is being issued in its place as set forth below:

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.

The Division of the Commission Clerk and Administrative Services advised our staff by memorandum that the entities listed below had not paid the 2000 Regulatory Assessment Fees

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FPSC-COMMISSION CLERK

(RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2000 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 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. Each of the entities listed below was scheduled to remit its RAFs by January 31, 2001.

On May 21, 2001, the Commission received a letter from Mr. Kenneth Mitchell, President of CoralCom, Inc., requesting voluntary cancellation and which included a check for the 2000 RAFs and penalty and interest charges. On June 7, our staff advised Mr. Mitchell via fax that Rule 25-24.514, Florida Administrative Code, states that a company must provide its intent and date to pay the current year's RAFs, along with its written request for cancellation. The 2001 RAFs return was also faxed.

On June 7, 2001, Mr. Kevin Charles Bertram called our staff and advised he had received our staff's May 21 letter and stated that although he had received the certificate several years ago, he had never started operations and wanted to cancel the certificate. He asked that the necessary forms and information on how to cancel the certificate be faxed to him. The forms and information were faxed on June 8, 2001.

The entities have not complied with Rule 25-24.514(2), Florida Administrative Code, which states:

- (2) If a certificated company desires to cancel its certificate, it shall request cancellation from the

Commission in writing and shall provide the following with its request:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be cancelled.

Accordingly, since the entities' certificates remain active until they request a voluntary cancellation pursuant to Rule 25-24.514(2) Florida Administrative Code, or we involuntarily cancel the certificates, the entities are responsible for the RAFs. As of the date of the vote, the entities continue to be in violation of our rules for nonpayment of RAFs for the year 2000.

For the reasons described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we deny the entities' request for voluntary cancellation of their respective Pay Telephone certificate for failure to comply with the provisions of Rule 25-24.514(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel the entities' certificates, effective as specified below, for failure to pay RAFs pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>EFFECTIVE DATE</u>
CoralCom, Inc.	6012	05/21/01
Kevin Charles Bertram	3625	06/07/01

Since the entities are no longer in business, there would be no purpose in requiring them to pay a fine. By involuntarily canceling their certificates, however, we would be able to track these companies should they apply for another certificate with us in the future. The cancellation of the certificate in no way diminishes any of the entity's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges. The collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. The

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Commission is vested jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the requests of the entities listed herein for voluntary cancellation of their Pay Telephone certificates are hereby denied. It is further

ORDERED that pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, the certificates listed herein are hereby canceled, effective on the dates shown above, for failure to comply with Rule 25-24.514(2), Florida Administrative Code; Section 364.336, Florida Statutes; and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that the cancellation of the certificate in no way diminishes any of the entities' obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. The collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. 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 Order No. PSC-01-1842-FOF-TC is superseded by this Order in its entirety. 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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth

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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.

By ORDER of the Florida Public Service Commission this 4th Day of October, 2001.



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

(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 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.

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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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 25, 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.