

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
PATS Certificate No. 7069 issued
to USA Communications, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 010576-TC
ORDER NO. PSC-01-2383-AS-TC
ISSUED: December 10, 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 APPROVING SETTLEMENT

BY THE COMMISSION:

USA Communications, Inc. (USA Communications) currently holds
Certificate of Public Convenience and Necessity No. 7069, issued by
the Commission on August 3, 1999, authorizing the provision of Pay
Telephone service. The Division of the Commission Clerk and
Administrative Services advised our staff that USA 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 2000. Also, accrued statutory
penalties and interest charges for late RAFs payments for the years
1999 and 2000 had not been paid. USA Communications was scheduled
to remit its RAFs by January 30, 2001.

Pursuant to Section 364.336, Florida Statutes, certificate
holders must pay a minimum annual RAFs 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

DOCUMENT NUMBER-DATE

15376 DEC 10 2001

FPSC-COMMISSION CLERK

ORDER NO. PSC-01-2383-AS-TC
DOCKET NO. 010576-TC
PAGE 2

January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. All entities that apply for certification receive a copy of our rules governing Pay Telephone service.

On September 18, 2001, the Commission received the USA Communications' payment for the outstanding RAFs, including statutory penalty and interest charges for the years 1999 and 2000. After Order No. PSC-01-1890-PAA-TC was issued on September 24, 2001, the Commission received a timely filed protest to the Order in which the company offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. USA Communications must comply with these requirements within ten business days from the date of issuance of this Order. The contribution should be identified with the docket number and the company name. Upon timely receipt, the contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. USA Communications has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.3375, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that USA Communications, Inc.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

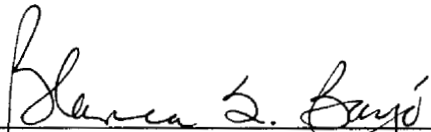
ORDERED that this docket shall remain open pending timely receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDER NO. PSC-01-2383-AS-TC
DOCKET NO. 010576-TC
PAGE 3

ORDERED that if USA Communications, Inc. fails to comply with this Order, its certificate will be canceled administratively. It is further

ORDERED that upon receipt of the \$100 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 10th Day of December, 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 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.

ORDER NO. PSC-01-2383-AS-TC
DOCKET NO. 010576-TC
PAGE 4

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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.