

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation
of certificate to provide pay
telephone service.

Mario Ramirez d/b/a ENTEL -
Communications

DOCKET NO. 010665-TC

ORDER NO. PSC-02-0023-FOF-TC
ISSUED: January 4, 2002

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:

Mario Ramirez d/b/a ENTEL - Communications (ENTEL) currently holds Certificate of Public Convenience and Necessity No. 6030, issued by the Commission on April 20, 1999, authorizing the provision of Pay Telephone service. The Division of the Commission Clerk and Administrative Services advised our staff that ENTEL 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 year 2000 had not been paid. ENTEL was scheduled to remit its RAFs 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

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FPSC-COMMISSION CLERK

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fees are due to the Florida Public Service Commission by 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.

ENTEL paid the minimum RAFs on March 8, 2001 and requested cancellation of its certificate on September 24, 2001, we issued Order No. PSC-01-1897-PAA-TC denying a voluntary cancellation of the certificate because ENTEL had not paid the statutory penalty and interest charges for late payment of the 2000 RAF. ENTEL had also not paid the 2001 RAFS or provided a date certain they would be paid. Failure to respond to this Order would result in the cancellation of ENTEL's certificate. ENTEL has since paid the accrued statutory penalties and interest charges and requested voluntary cancellation of its certificate. In addition, ENTEL has also paid the 2001 RAFs. Accordingly, we find it appropriate to cancel Pay Telephone Certificate No. 6030, effective March 8, 2001. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Mario Ramirez d/b/a ENTEL - Communication's Certificate No. 6030 to provide Pay Telephone services is hereby canceled, effective March 8, 2001. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission this 4th Day
of January, 2002.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(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 the Commission Clerk and Administrative Services, 2540 Shumard Oak

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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.