

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Shared Tenant Services
Telecommunications Certificate
No. 2024 issued to Florida Tax
Deeds, Inc. d/b/a Senator
Building for violation of Rule
25-4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 011099-TS
ORDER NO. PSC-02-0232-AS-TS
ISSUED: February 25, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Florida Tax Deed, Inc. d/b/a Senator Building (Senator Building) currently holds Certificate of Public Convenience and Necessity No. 2024, issued by the Commission on July 8, 1992, authorizing the provision of Shared Tenant service. The Division of the Commission Clerk and Administrative Services advised our staff that Senator Building 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. Senator Building 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

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FPSC-COMMISSION CLERK

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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. 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 Shared Tenant service.

This is the second docket established for violation of the RAFs rule. On January 22, 2001, Order No. PSC-01-0199-AS-TS was issued in Docket No. 001397-TS. The Order accepted Senator Building's \$100 settlement proposal. Senator Building paid the past due RAFs, including penalty and interest charges, and the \$100 settlement, and the docket was then closed.

After this docket was established, on October 4, 2001, Ms. Ines Camacho, representative of Senator Building, contacted our staff and advised that Senator Building would pay the outstanding balance and make a settlement offer. On November 29, 2001, we received the Senator Building's payment for the outstanding RAFs, including statutory penalty and interest charges, and a letter from the company, which offered a settlement in the amount of \$500, and included a check for the \$500.

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. 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. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.339, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Tax Deed, Inc. d/b/a Senator Building's settlement proposal set forth in the body of this Order is hereby approved. It is further

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ORDERED that the contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that this docket is be closed.

By ORDER of the Florida Public Service Commission this 25th Day of February, 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)

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.

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)

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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.