

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 5810 issued to
Public Payphone U.S.A., Inc.
d/b/a Public Communications
Services, Inc. for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 011024-TI
ORDER NO. PSC-02-0269-AS-TI
ISSUED: March 1, 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:

Public Payphone U.S.A., Inc. (Public Payphone U.S.A.)
currently holds Certificate of Public Convenience and Necessity No.
5810, issued by the Commission on March 25, 1999, authorizing the
provision of Interexchange Telecommunications (IXC) service. The
Division of the Commission Clerk and Administrative Services
advised our staff that Public Payphone U.S.A. 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.
Public Payphone U.S.A. 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
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

DOCUMENT NUMBER-DATE

02386 MAR-18

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-0269-AS-TI
DOCKET NO. 011024-TI
PAGE 2

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 IXC Service.

However, after the docket was established, Public Payphone U.S.A. contacted our staff and advised that the revenues for its IXC Certificate were included on its pay telephone 2000 RAF return. The company included an original IXC return and an amended pay telephone return reflecting the correct revenues for its payphone and IXC operations and enclosed payment for the past due balance. The company requested that no further penalty be assessed since it had previously paid the RAF based on the company's combined pay telephone and IXC revenues.


Due to the extenuating circumstances, we believe that Public Payphone U.S.A. should be allowed to comply with Commission rules and that it would serve no purpose to fine Public Payphone U.S.A.. Accordingly, we hereby accept the terms of Public Payphone U.S.A.'s settlement agreement. We are vested with 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 Public Payphone U.S.A., Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 1st Day of March, 2002.



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

(S E A L)

JAE

ORDER NO. PSC-02-0269-AS-TI
DOCKET NO. 011024-TI
PAGE 3

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) 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.