

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4147
issued to Fernando Ferrarone for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 020451-TC
ORDER NO. PSC-02-0847-FOF-TC
ISSUED: June 20, 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 GRANTING VOLUNTARY CANCELLATION OF
PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

Fernando Ferrarone (Mr. Ferrarone) currently holds Certificate of Public Convenience and Necessity No. 4147, issued by the Commission on April 28, 1995, authorizing the provision of Pay Telephone service. The Division of the Commission Clerk and Administrative Services advised our staff that Mr. Ferrarone 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 2001. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2001 had not been paid. Mr. Ferrarone was scheduled to remit its RAFs by January 30, 2002.

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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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.

On May 17, 2002, the Division of the Commission Clerk & Administrative Services provided staff a copy of a letter originally received in December 2001, from C. Ferrarone, which advised that the certificate holder had passed away on November 26, 2001. A copy of Mr. Ferrarone's death certificate was attached to the letter. Due to the extenuating circumstances, we find it appropriate to cancel Pay Telephone Certificate No. 4147, effective December 15, 2001. We note that the Division of the Commission Clerk and Administrative Services will be notified that the past due RAFs and the statutory penalties and interest charges for the year 2001 should not be sent to the Comptroller's Office for collection, but that the Division of the Commission Clerk and Administrative Services shall request permission for the Commission to write-off the uncollectible amount. Upon cancellation of Mr. Ferrarone's certificate in accordance with this Order, Mr. Ferrarone shall immediately cease and desist providing Pay Telephone services in Florida. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Fernando Ferrarone's Certificate No. 4147 to provide Pay Telephone services is hereby canceled, effective December 15, 2001. It is further

ORDERED that the outstanding Regulatory Assessment Fees, statutory penalties, and interest charges should not be sent to the Comptroller's Office for collection. The Division of the Commission Clerk and Administrative Services, instead, shall request for permission to write-off the uncollectible amount. It is further

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ORDERED that upon cancellation of Fernando Ferrarone's Certificate No. 4147 in accordance with this Order, that entity shall immediately cease and desist providing Pay Telephone services in Florida. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 20th Day of June, 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.

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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.