

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
PATS Certificate No. 3950 issued  
to Nationwide Communications of  
Michigan, Inc. for violation of  
Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 020776-TC  
ORDER NO. PSC-02-1530-PAA-TC  
ISSUED: November 7, 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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CANCELING PAY TELECOMMUNICATIONS CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Nationwide Communications of Michigan, Inc. (Nationwide) has not paid its 2001 Regulatory Assessment Fee, plus statutory penalty and interest charges. Nationwide has a history of late payments. The company's certificate to provide Pay Telecommunications service became effective January 31, 1995, and in five out of seven years, the company has paid the Regulatory Assessment Fee after the due date. In addition, three other dockets were established for nonpayment of the Regulatory Assessment Fees. In Docket No. 971317-TP, Order No. PSC-98-1651-AS-TP was issued on December 8,

DOCUMENT NUMBER DATE

12218 NOV-78

FPSC-COMMISSION CLERK

1998, which approved the company's settlement for three rule violations, including the RAF rule; in Docket No. 991022-TC, Order No. PSC-99-2407-AS-TC issued December 8, 1999, approved the company's \$500 settlement; and in Docket No. 000940-TC, Order No. PSC-01-0154-AS-TC issued January 19, 2001, approved the company's \$1,000 settlement. In Docket Nos. 991022-TC and 000940-TC, the company proposed to pay future RAFs on a timely basis. Therefore, it appears that the company has failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code, and is not in compliance with its previous settlement proposals.

We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes.

Since this is the fourth docket established for nonpayment of the RAFs, Nationwide should be well aware when the fees are due each year. The cancellation of a certificate for a fourth offense is consistent with a prior Commission decision. In Docket No. 000968-TC, by Order No. PSC-00-1815-PAA-TC, issued October 4, 2000, the Commission cancelled James M. Bracewell d/b/a Southern Telecommunications' pay telephone certificate for violating the RAF rule in three separate dockets (Nos. 971340-TC, 981273-TC, and 000968-TC).

Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the year of cancellation.

We find that cancellation of the company's certificate No. 3950 for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.505, Florida Administrative Code, is appropriate. If the past due fee, including statutory penalty and interest charges, is not received within fourteen (14) calendar days after the issuance of the Consummating Order, the amount shall be turned over to the Office of the Comptroller for further collection efforts. If this Order is not protested, the company's Certificate No. 3950 should be cancelled administratively. If Nationwide's certificate is

ORDER NO. PSC-02-1530-PAA-TC

DOCKET NO. 020776-TC

PAGE 3

cancelled in accordance with this Order, Nationwide should be required to immediately cease and desist providing pay telephone services in Florida.

The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Orders. The docket should then be closed upon cancellation of the company's certificate.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Nationwide Communications of Michigan, Inc.'s Certificate No. 3950 is hereby cancelled for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.505, Florida Administrative Code, as listed on Attachment A and hereby incorporated by reference. It is further

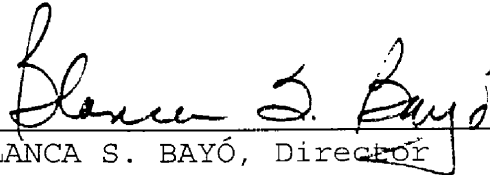
ORDERED that this Order shall become final and effective upon the issuance of a Consummating Order unless a person whose substantial interest are affected files an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, which is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that if Nationwide Communications of Michigan, Inc.'s certificate is cancelled in accordance with this Order, Nationwide Communications of Michigan, Inc. is required to immediately cease and desist providing pay telecommunications services in Florida. It is further

ORDERED that if the past due fee, including statutory penalty and interest charges, as listed on Attachment A and hereby incorporated by reference, is not received within fourteen (14) calendar days after the issuance of the Consummating Order, the amount shall be turned over to the Office of the Comptroller for further collection efforts. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed fourteen (14) calendar days after the issuance of the Consummating Order.

By ORDER of the Florida Public Service Commission this 7th Day of November, 2002.



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

( S E A L )

LHD

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding,

ORDER NO. PSC-02-1530-PAA-TC  
DOCKET NO. 020776-TC  
PAGE 5

in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 28, 2002.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

ORDER NO. PSC-02-1530-PAA-TC  
DOCKET NO. 020776-TC  
PAGE 6

ATTACHMENT A

4<sup>TH</sup> Time Offender - Nonpayment of RAFs - Cancellation of Certificate

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES &amp; PERIOD ENDED</u>	<u>CERT. NO.</u>	<u>RAFs</u>	<u>PENALTY AND INTEREST*</u>
020776-TC	Nationwide Communications of Michigan, Inc. -\$76,822 Revenues 12/31/00	3950	2001	2001

\*Years penalty and/or interest was not paid