

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
PATS Certificate No. 7370 issued  
to Donatella Communications LLC  
for violation of Rules 25-  
4.0161, F.A.C., Regulatory  
Assessment Fees;  
Telecommunications Companies,  
and 25-24.520, F.A.C., Reporting  
Requirements.

DOCKET NO. 020803-TC  
ORDER NO. PSC-02-1675-AS-TC  
ISSUED: December 3, 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:

Donatella Communications LLC (Donatella) currently holds  
Certificate of Public Convenience and Necessity No. 7370, issued by  
the Commission on March 29, 2000, authorizing the provision of Pay  
Telephone service. The Division of the Commission Clerk and  
Administrative Services advised our staff that Donatella 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(s) 2000 and 2001 had not been paid. Donatella was scheduled  
to remit its RAFs by January 30, 2002.

Pursuant to Section 364.336, Florida Statutes, certificate  
holders must pay a minimum annual RAFs of \$50 if the certificate

DOCUMENT NUMBER 13166

13166 DEC-30

FPSC-COMMISSION CLERK

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 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.

Pursuant to Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, each company is allowed ten days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission.

After this docket was established, on October 3, 2002, Michael Shephard, representative of Donatella, contacted our staff and paid the 2001 RAFs, accrued statutory penalties and interest charges for 2000 and 2001, and offered to contribute \$200 to the State General Revenue Fund, proposed to pay future RAFs on a timely basis, and provide updated reporting requirements within 10 days of a change.

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. Donatella must comply with these requirements within 14 days from the date of issuance of this Order. The contribution should be identified with the docket number and the company name. Upon timely receipt, 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. Donatella has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed. If Donatella's certificate is canceled in accordance with this Order, Donatella shall immediately cease and desist providing Pay Telephone services in Florida. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.3375, and 364.285, Florida Statutes.

ORDER NO. PSC-02-1675-AS-TC  
DOCKET NO. 020803-TC  
PAGE 3

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Donatella Communications LLC's settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDER that the settlement amount must be received within 14 days of the issuance of this Order. It is further

ORDERED that this docket shall remain open pending timely receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if Donatella Communications LLC fails to comply with this Order, its certificate will be canceled administratively. It is further

ORDERED that if Donatella Communications LLC's certificate is canceled in accordance with this Order, Donatella Communications LLC shall immediately cease and desist providing Pay Telephone services in Florida. It is further

ORDERED that upon receipt of the \$100 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 3rd Day of December, 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 )

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 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.