

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
PATS Certificate No. 2357 issued
to Hughes' Pay Telephones for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 030685-TC
ORDER NO. PSC-03-1171-PAA-TC
ISSUED: October 20, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELING PAY TELEPHONE 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.

On September 12, 1989, Hughes' Pay Telephones obtained Florida
Public Service Commission Pay Telephone Certificate No. 2357. On
January 22, 2002, we received the company's 2001 Regulatory
Assessment Fee (RAF) return and payment for the period ended
December 31, 2001. The company reported no revenues at that time.

The Office of the General Counsel mailed a delinquent notice
for nonpayment of the 2002 RAF via certified mail on February 21,
2003. The notice was signed for and delivered on March 4, 2003.

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On May 21, 2003, our staff wrote the company at the address on file in the Master Commission Directory and explained that payment for the RAF needed to be paid by June 13, 2003, to avoid an enforcement docket from being established. The US Postal Service returned our staff's letter which had "deceased" handwritten on the envelope. Our staff then attempted to call the telephone number on file in the Master Commission Directory, but was unsuccessful. In addition, our staff researched Polk County internet records and confirmed that the owner, Columbus Hughes, was deceased. Our staff then contacted Verizon Florida Inc. and was advised that it did not bill any payphones to Hughes' Pay Telephones.

As of September 2, 2003, the company has not paid the past due amount. In addition, there are no outstanding consumer complaints against Hughes' Pay Telephones.

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

Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of Regulatory Assessment Fees by January 30, or the next business day, of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

Rule 25-24.514(2)(a) and (b), Florida Administrative Code, states:

- (2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:
 - (a) Statement of intent and date to pay Regulatory Assessment Fee.
 - (b) Statement of why the certificate is proposed to be cancelled.

Accordingly, we will cancel the company's PATS Certificate No. 2357 on its own motion, effective May 27, 2003. In addition, the Division of the Commission Clerk & Administrative Services will be notified that the 2002 and 2003 RAFs, including statutory penalty

and interest charges for calendar year 2002, shall not be sent to the Florida Department of Financial Services for collection, but that permission for the Commission to write-off the uncollectible amount will be requested. Upon this order becoming final, the company should be required to immediately cease and desist providing pay telephone service in Florida.

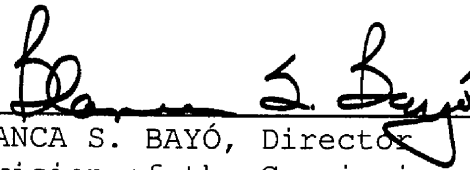
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Hughes' Pay Telephones Certificate No. 2357 to provide Pay Telephone services is hereby canceled, and Hughes Pay Telephonesto cease and desist providing pay telephone service effective May 27, 2003. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, 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 in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 20th Day of October, 2003.



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

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VSM

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, 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 10, 2003.

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.