

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of PATS Certificate No. 5917 issued to Resource Express Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 030717-TC  
ORDER NO. PSC-04-0089-FOF-TC  
ISSUED: January 27, 2004

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING VOLUNTARY CANCELLATION OF  
PAY TELEPHONE CERTIFICATE

BY THE COMMISSION

Resource Express Inc. (Resource) currently holds Certificate of Public Convenience and Necessity No. 5917, issued by the Commission on September 22, 1998, authorizing the provision of Pay Telephone service. The Division of the Commission Clerk and Administrative Services advised our staff that Resource 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(s)2002. Also, accrued statutory penalties and interest charges for late RAFs payments for the year(s)2002 had not been paid. Resource was scheduled to remit its RAFs by January 30, 2003.

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 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.

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FPSC-COMMISSION CLERK

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On October 8, 2003, we issued Order No. PSC-03-1123-PAA-TC to impose a \$500 fine. Failure to comply or respond to this Order would result in the cancellation of Resource's certificate. Resource has since paid the 2002 RAFs, including accrued statutory penalties and interest charges and requested voluntary cancellation of its certificate. Accordingly, we find it appropriate to cancel Pay Telephone Certificate No. 5917, effective October 29, 2003. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Resource Inc. Express Inc. 's Certificate No. 5917 to provide Pay Telephone services is hereby canceled, effective October 29, 2003. It is further

ORDERED that Resource is required to immediately cease and desist providing pay telephone services in Florida

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 27th day of January, 2004.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

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 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.