

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of STS Certificate No. 2293 issued to St. Vincent's Medical Center, Inc., for violation of Rule 25-24.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.	DOCKET NO. 030833-TS ORDER NO. PSC-04-0090-PAA-TS ISSUED: January 27, 2004
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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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING VOLUNTARY CANCELLATION OF  
SHARED TENANT 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.

St. Vincent's Medical Center, Inc. (St. Vincent's) currently holds Certificate of Public Convenience and Necessity No. 2293, issued by the Commission on May 16, 1989, authorizing the provision of Shared Tenant service. The Division of the Commission Clerk and Administrative Services advised our staff that St. Vincent's 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. St. Vincent's 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

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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 Shared Tenant service.

On November 14, 2003, we issued Order No. PSC-03-1299-PAA-TC to impose a \$500 fine. Failure to comply or respond to this Order would result in the cancellation of St. Vincent's certificate. St. Vincent's has since paid the 2002 and 2003 RAFs, including accrued statutory penalties and interest charges and requested voluntary cancellation of its certificate. Accordingly, we find it appropriate to cancel Shared Tenant Certificate No. 2293, effective December 2, 2003. 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 St. Vincent's Medical Center, Inc.'s Certificate No. 2293 to provide Shared Tenant services is hereby canceled, effective December 2, 2003. It is further

ORDERED that St. Vincent's Medical Center, Inc. should cease and desist providing Shared Tenant service in Florida. 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.

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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 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

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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 February 17, 2004.

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.