

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of PATS Certificate No. 7891 issued to Mad Dog's Telephone & Wiring, Inc. for violation of Rule 25-24.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.	DOCKET NO. 031009-TC ORDER NO. PSC-04-0092-PAA-TC 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 IMPOSING PENALTY AND REQUIRING PAYMENT OF
DELINQUENT REGULATORY ASSESSMENT FEES, OR
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.

Mad Dog's Telephone & Wiring, Inc. (Mad Dog) currently holds Certificate of Public Convenience and Necessity No. 7891, issued by the Commission on September 14, 2001, authorizing the provision of Pay Telephone (PATS) service. The Division of the Commission Clerk and Administrative Services advised our staff that Mad Dog 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 2002. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2002 had not been paid. Mad Dog 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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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 PATS service.

For the reason described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Mad Dog's certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Mad Dog pays a \$500 penalty and remits all past due RAFs, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. Mad Dog must comply with these requirements within 14 days after the issuance of the Consummating Order. The payment should be identified with the docket number and the company's name. The penalty will be remitted to the Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285 (1), Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and penalty are received, this docket shall be closed. Should Mad Dog fail to comply with this Order within 14 days after the issuance of the Consummating Order, Mad Dog shall have its certificate canceled, effective on the date of issuance of the Consummating Order; the collection of the past due fees shall be referred to the Department of Financial Services for further collection efforts; and the docket shall be closed. The cancellation of the certificate in no way diminishes Mad Dog's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges. If Mad Dog's certificate is canceled in accordance with this Order, Mad Dog 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.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Mad Dog's Telephone & Wiring, Inc. shall pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$500 penalty to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within 14 days after the issuance of the Consummating Order. The penalty will be transmitted to the Department of Financial Services for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Mad Dog's Telephone & Wiring, Inc. fail to comply with this Order, Mad Dog's Telephone & Wiring, Inc.'s Certificate No. 7891 shall be canceled, effective on the date of issuance of the Consummating Order; the collection of the past due fees shall be referred to the Department of Financial Services for further collection efforts; and the docket shall be closed. It is further

ORDER NO. PSC-04-0092-PAA-TC
DOCKET NO.: 031009-TC
PAGE 3

ORDERED that the cancellation of the certificate in no way diminishes Mad Dog's Telephone & Wiring, Inc.'s obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. It is further

ORDERED that if Mad Dog's Telephone & Wiring, Inc.'s certificate is canceled in accordance with this Order, Mad Dog's Telephone & Wiring, Inc. shall immediately cease and desist providing Pay Telephone services 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 upon payment of the penalty, and fees, or upon cancellation of the certificate.

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)

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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 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.