

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Gary E. Akers d/b/a JB Telecom for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.	DOCKET NO. 040400-TC ORDER NO. PSC-04-0888A-PAA-TC ISSUED: December 21, 2004
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AMENDATORY ORDER

BY THE COMMISSION:

By Order No. PSC-04-0888-PAA-TC, issued September 13, 2004, Gary E. Akers d/b/a JB Telecom was granted a voluntary cancellation of its Pay Telephone Certificate No. 4264 with an effective date of March 2, 2004. Due to a scrivener's error, the Order should not have been issued as Proposed Agency Action, but rather as a Final Order. However, the wrong error was identified, and the order was reissued, again identified as a Proposed Agency Action Order, Order No. PSC-04-0938-PAA-TC. Thereafter, the error was further perpetuated by the issuance of two identical Consummating Orders, Orders Nos. PSC-04-1013-CO-TC and PSC-04-1023-CO-TC, and exacerbated by the additional erroneous requirement contained in those Orders that the Docket remain open.

In light of the foregoing, this Order is issued for the dual purpose of correcting the errors identified above and closing this Docket. Thus, Order No. PSC-04-0888-PAA-TC is amended to reflect that the Order is, in fact, a Final Order granting a voluntary cancellation of Pay Telephone Certificate No. 4264 with an effective date of March 2, 2004. Cancellation of the entity's certificate does not relieve the company's obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the cancellation year. In accordance with the Commission's August 17, 2004, vote, this Docket shall be closed upon cancellation of the certificate. Because Order No. PSC-04-0938-PAA-TC should not have been issued, that Order is vacated, as are Consummating Orders Nos. PSC-04-1013-CO-TC and PSC-04-1023-CO-TC.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-04-0888-PAA-TC is amended to reflect that it should have been issued as a Final Order. It is further

ORDERED that, in accordance with this Commission's August 17, 2004, vote, this Docket shall be closed upon cancellation of the certificate. It is further

ORDERED that Orders Nos. PSC-04-0938-PAA-TC, PSC-04-1013-CO-TC, and PSC-04-1023-CO-TC are hereby vacated on the basis set forth herein. It is further

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ORDERED that Order No. PSC-04-0888-PAA-TC, as reformed and amended as a Final Order, is reaffirmed in all other respects.

By ORDER of the Florida Public Service Commission this 21st day of December, 2004.



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

(S E A L)

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