

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Bay Public Communications, Inc. for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 041031-TC  
ORDER NO. PSC-05-0099-FOF-TC  
ISSUED: January 25, 2005

ORDER VACATING IN PART ORDER NO. PSC-05-0056-CO-TC

Bay Public Communications, Inc. (Bay Public Communications) currently holds PATS Certificate No. 7476 issued by the Commission on July 5, 2000, authorizing the provision of pay telephone service. The Division of Administration advised our staff by memorandum that Bay Public Communications 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 2003. Also, accrued statutory late payment charges for the year 2003 had not been paid.

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. All entities that apply for certification receive a copy of our rules governing pay telephone service. All applicants must attest that the rules have been received and understood by the applicant. An affidavit must be attached to the application in order for the application to be processed.

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.

On December 23, 2004, Order No. PSC-04-1271-PAA-TC was issued, to impose a \$500 fine for non-payment of the fees and accrued statutory late payment charges. Bay Public Communications had until January 16, 2005, to protest the order and until January 30, 2005, to pay the fine and the past due RAFs, along with accrued statutory late payment charges, or its certificate would be canceled. Subsequently, the company responded to the Order on January 13, 2005 by submitting payments for 2003 and 2004, fees as well as late payment charges for 2003, along with a letter on requesting cancellation of its certificate. However, due to a scrivener's error, this Docket was included in Order No. PSC-05-0056-CO-TA, which consummated Order No. PSC-04-1271-PAA-TC on January 18, 2005.

For the reason described above, Order No. PSC-05-0056-CO-TC as it pertains to Bay Public Communications, Inc. should not have been issued since it appears that the company submitted payment for all appropriate fees in a timely manner. Therefore, we find it appropriate to vacate that portion of Order No. PSC-05-0056-CO-TC as it pertains to Bay Public Communications, Inc.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

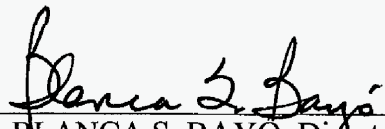
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the portion of Order No. PSC-05-0056-CO-TC as it pertains to this Docket and Bay Public Communications, Inc. is hereby vacated. It is further

ORDERED that Order No. PSC-05-0056-CO-TC is reaffirmed in all other respects as to the other companies and Dockets. It is further

ORDERED that this docket is to remain open to address the company's request for cancellation.

By ORDER of the Florida Public Service Commission this 25th day of January, 2005.

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

( S E A L )

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