

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Kerstin K Krieger d/b/a All American Warrior Vending for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.	DOCKET NO. 041032-TC ORDER NO. PSC-05-0100-FOF-TC ISSUED: January 25, 2005
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ORDER VACATING IN PART ORDER NO. PSC-05-0056-CO-TC

Kerstin K Krieger d/b/a All American Warrior Vending (All American Warrior Vending) currently holds PATS Certificate No. 7615 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 All American Warrior Vending 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 late RAFs payments for the years 2002 and 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 penalty for non-payment of the fees and accrued statutory late payment charges. All American Warrior Vending had until January 16, 2005, to protest the order and until January 30, 2005, to pay the penalty 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 by submitting payments for 2003 and 2004 regulatory assessment fees as well as late payments for 2002 and 2003 on January 04, 2005. 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 All American Warrior Vending should not have been issued since it appears that the company submitted payment for all appropriate fees and late payment charges in a timely manner.

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FPSC-COMMISSION CLERK

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Therefore, we find it appropriate to vacate that portion of Order PSC-05-0056-CO-TC as it pertains to Kerstin K Krieger d/b/a All American Warrior Vending.


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 Kerstin K Krieger d/b/a All American Warrior Vending 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.

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

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

( S E A L )

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