

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of PATS
certificate holders for apparent first-time
violations of Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 070383-TC
ORDER NO. PSC-07-0589-PAA-TC
ISSUED: July 19, 2007

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING PENALTIES AND
COLLECTION COSTS, AND REQUIRING PAYMENT OF DELINQUENT REGULATORY
ASSESSMENT FEES, OR CANCELLING PATS CERTIFICATES FOR VIOLATION OF
RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE

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.

Pursuant to Rule 25-4.0161(10), Florida Administrative Code, telecommunications companies that fail to pay the Regulatory Assessment Fee, including statutory late payment charges, within 15 days after receiving a delinquent notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. The penalty amounts include collection costs. If an entity fails to pay the Regulatory Assessment Fee in full, including statutory late payment charges, along with the penalty amount, that entity's certificate shall be cancelled. **In this case, 13 companies have not paid the Regulatory Assessment Fee at all and 13 companies paid the fee more than 15 days after receipt of the delinquent notice.**

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee 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 350.113(4), Florida Statutes, the Regulatory Assessment Fee return 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.

The Division of Administrative Services advised our staff that the entities listed below failed to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. Those entities marked with an asterisk (*) before the name, failed to pay the fee within 15 days of receipt of the delinquent notice.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

<u>ENTITY'S NAME</u>	<u>CO. CODE</u>
*Florida Public Communications	TD953
Moreno Enterprise, Inc.	TE422
Coin-Tel Payphones, Inc.	TE792
*Trinity Holdings Ltd., Inc.	TF068
*Williamson, Ferrara, Gallagher & DeJesus, M.D., P.A. d/b/a Colon and Rectal Clinic of Orlando	TF100
*John R. Rudolph Enterprises, Inc.	TF617
*Southeast Payphones, Inc.	TF721
*Pay-Tel Hospitality Telecommunications, Inc.	TG490
*Com-Tech Resources, Inc. d/b/a Com-Tech Systems	TG531
Imperial Bonita Estates Cooperative, Inc.	TG588
Ralph S. Newby and Gregory A. Hoff d/b/a S & G Communications	TG630
Chambliss, Ltd. d/b/a Flagship Shell d/b/a Longstar Texaco	TG642
D H A Enterprises, Inc.	TG779
*TCG Public Communications, Inc.	TG800
*224 Express, Inc.	TG807
Worldwide Payphone Services, Inc.	TG855
Budtel, Inc.	TG906
*Dennis H. Brooks	TG916
Quarter Payphones, Inc.	TG950

ENTITY'S NAME	CO. CODE
*Synergy Telecom Service Co., Inc.	TG963
*NSC Communications Public Services Corporation	TG977
*Paragon Communication Services, L.L.C.	TG979
Waterville Communications, Inc.	TH004
Marriott Hotel Services, Inc.	TH020
Nationwide Payphone Services, L.L.C.	TH051
Erskine R. Curry d/b/a Media & Telecom Ventures	TH057

Accordingly, we hereby find it appropriate to cancel each entity's pay telephone company (PATS) certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless each entity pays a penalty and cost of collection, together totaling \$500, and remits any past due Regulatory Assessment Fees, along with accrued statutory late payment charges, to the Florida Public Service Commission.

If this Order is not protested, each entity's respective PATS Certificate shall be cancelled. If an entity pays the penalty and cost of collection, together totaling \$500, and remits any past due Regulatory Assessment Fees, along with accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's respective PATS certificate will remain active. If an entity fails to protest the Order or pay the penalty and cost of collection, together totaling \$500, and fails to remit any past due Regulatory Assessment Fees, along with accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's PATS certificate should be cancelled administratively, and the collection of the past due Regulatory Assessment Fees should be referred to the Florida Department of Financial Services for further collection efforts. If an entity's PATS certificate is cancelled in accordance with this Commission's Order, that company should be required to immediately cease and desist providing pay telephone service in Florida. This docket should be closed administratively either upon receipt of the payment of the penalty and cost of collection, together totaling \$500, and any past due Regulatory Assessment Fees, along with accrued statutory late payment charges from each entity, or upon cancellation of that entity's PATS certificate. If an entity's PATS certificate is cancelled in accordance with this Order and it subsequently decides to reapply for a certificate as a pay telephone company, that entity shall be required to first pay the penalty and cost of collection, together totaling \$500 and any outstanding fees, including accrued statutory late payment charges. We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, 364.3375, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein shall pay a penalty and cost of collection, together totaling \$500, and any past due Regulatory Assessment Fees, including statutory late payment charges, to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, by the end of the protest period. The cost of collection will be subtracted from any monies collected as payments (full or partial) of the penalty and cost of collection, and will be deposited, along with the past due Regulatory Assessment Fees, in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. The statutory late payment charges and any portion of the penalty exceeding the cost of collection will be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's certificate shall be cancelled. It is further

ORDERED that the cancellation of the certificate in no way diminishes any of the entities' obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory late payment charges. If any company listed in this Order has its respective certificate cancelled, and subsequently decides to reapply for certification as a pay telephone company, that company shall be required to first pay any outstanding penalties and cost of collection and fees, including accrued statutory late payment charges. Any unpaid Regulatory Assessment Fees, and accrued statutory late payment charges, shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if an entity's certificate is cancelled in accordance with this Order, that entity shall immediately cease and desist providing pay telephone service in Florida. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. 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 Office of Commission Clerk, 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 receipt of the imposed penalty and cost of collection, together totaling \$500, and Regulatory Assessment Fees, including statutory late payment charges, from each entity or upon cancellation of that entity's PATS certificate.

By ORDER of the Florida Public Service Commission this 19th day of July, 2007.



Ann Cole
Commission Clerk

(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 petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 9, 2007.

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.