

December 17, 1997

Florida Public Service Commission
Director
Division of Records and Reporting
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ORIGINAL

971244-TC

Dear Sir:

In the Matter of:

La Nueva Estrella Restaurant, Inc., (La Nueva Estrella, Inc.)
DOCKET NO. 971244-CT; ORDER NO. PSC-97-1447-FOF-TC ISSUED
NOVEMBER 17, 1997 AND PERMIT NO. 1550.
Tax Period(s): December 31, 1996

Re: Facts and Circumstances why Nueva Estrella Restaurant, Inc., (La Nueva Estrella, Inc.) did not file the 1996 tax return and why did not inform change of address: Also, a request for cancellation of permit as of 05/15/1996 and abatement of penalties.

On May 15, 1996 La Nueva Estrella Restaurant, Inc., (La Nueva Estrella, Inc.) was requested to move from 1050 East 8th Avenue, Hialeah, Florida 33010. The new address since May 15, 1996 is 553 East 9th Street, Hialeah, Florida 33013. La Nueva Estrella telephone has been since its inception 305 883-1696. No person from the Florida Public Service Commissions has contacted la Nueva Estrella, Inc. regarding this matter during 1996 or 1997.

On May 15, 1996, La Nueva Estrella Restaurant, Inc., (La Nueva Estrella, Inc.) reached agreement with ITC Marketing Incorporated, 7601 East Treasure Drive, North Bay Village, Fl 33141, Telephone (305) 634- 8858 and its president Adolfo Gonzalez to transfer the telephone equipment. La Nueva Estrella and this company and Mr. Adolfo Gonzalez agreed that they will prepare all the necessary documentation to notify the Florida Public Service Commission regarding this transfer; Also, this company and Mr. Gonzalez were to prepare all the necessary documentation and perform the necessary action to release La Nueva Estrella from its requirements because La Nueva Estrella was not going to have any pay phone devices in its new premise.

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FPSC-RECORDS/REPORTING

La Nueva Estrella Restaurant, Inc., (La Nueva Estrella, Inc.) believed that it has properly discharged its responsibility with the Florida Public Service Commission. La Nueva Estrella Restaurant, Inc., did not receive any notification of its delinquency during 1997. La Nueva Estrella did not know it has any liability nor La Nueva Estrella received any correspondence from the Commission regarding any matter.

The first correspondence from the Commission was hand delivery by unknown person to La Nueva Estrella on December 16, 1997.

Be known to the Commission that Mr. Roberto Soler is the responsible person for La Nueva Estrella since its incorporation on 04/14/1896. Also, La Nueva Estrella telephone number has been since 04/14/1986 (305) 883- 1696. Again no call was made to this telephone on behalf of the Commission.

With this letter La Nueva Estrella, Inc. is enclosing the Regulatory Assessment Fee Return for operation from January 01/01/1996 to 05/15/1996. From 05/16/1996 La Nueva Estrella Restaurant, Inc., has no public telephone device. Furthermore, La Nueva Estrella totally rely on a Company and Person who agreed to perform and prepare the necessary documentation to discharge La Nueva Estrella from any reporting obligation.

In Summary: 1) La Nueva Estrella agreed and relied on a Company and person whose business give them total knowledge of handling terminating public telephone service and reporting final return with the Commission. 2) La Nueva Estrella responsible person and telephone number has not changed and never received a telephone call from the Commission regarding this matter. 3) The enclosed communication from the Commission was hand delivery on December 16, 1997 by unknown person and no prior written communication was received by La Estrella.4)La Nueva Estrella terminated all public telephone service on May 15, 1996.

The above mentioned information has the purpose of presenting the Commission with facts and circumstances that clearly show that La Nueva Estrella has always act to comply with the Commission Rule and Regulations to the best of La Nueva Estrella Ability without negligence. Also, La Nueva Estrella is requesting abatement of penalties regarding this matter.

At this time La Nueva Estrella is requesting that the permit issued to La Nueva Estrella Restaurant, Inc., (La Nueva Estrella, Inc. be canceled as of 05/31/1996.

Also, if La Nueva Estrella has to perform and prepare any documentation regarding this matter in order to properly and fully discharge its responsibility with the Commission, instruct La Nueva Estrella accordingly. The responsible person is Roberto Soler; the telephone number is 305 883-1696 and the address is 553 East 9 Street, Hialeah, Florida 33013.

Under penalties of perjury, the undersigned, representative of La Nueva Estrella Restaurant, Inc., (La Nueva Estrella, Inc., declares that the facts presented in the request for permit cancellation on 05/15/1996 and request for penalty fee abatement, which are set out in the accompanying statement of facts, and any documents or affidavits included herewith, are to the best of my knowledge and belief, true, correct, and complete.



Roberto S. Soler, President
La Nueva Estrella Restaurant, Inc., (La Nueva Estrella, Inc.)
553 East 9th Street
Hialeah, Florida 33010
305 883- 1696

Enclosures.

20% Cash Commission • Free Installation • Free Service



ADOLFO GONZALEZ
President

CALL: (305) 634-8958

7601 East Treasure Drive
North Bay Village, FL 33141

3124 N.W. 18 Terr.
Miami, FL 33125

Sales Representative

02-25-96

07:16
TUU

11/01/96



Florida Department of Revenue
Certificate of Registration

Issued Pursuant to Chapter 212, Florida Statutes

This Certificate is
 Non-transferable.

DF
 R. 0:

Registration Date
 06/12/86

Opening Date
 05/15/86

Certificate Number
 23-05-276252-08

Refer To This
 When Reports

This Certifies That

LA NUEVA ESTRELLA INC
 553 EAST 9 ST
 HIALEAH

FL 33013

**Is Hereby Authorized and Empowered to Collect Sales
 and Use Taxes For The State of Florida.**

THIS CERTIFICATE MUST BE POSTED IN A CONSPICUOUS PLACE.



Florida Department of Revenue
Sales Tax Facts to Remember

DF
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- 1 Every person conducting business in the State of Florida that is subject to sales and use tax is responsible for file "Sales and Use Tax Return" at the end of each assigned collection period
- 2 In the event that your preprinted sales tax return does not arrive in the mail, it is your responsibility to contact the Florida Department of Revenue and request that a form be sent to you
- 3 Your sales tax return is due the 1st of the month following the collection period and late after the 20th. Example: For the collection period ending March 31, the tax return is due on April 1 and late after April 20. (Returns postmarked on the 20th are not considered late.) When the 20th falls on a Saturday, Sunday, or a state or federal holiday, your return must be postmarked on the first working day following the 20th
- 4 If your return is filed timely, you are entitled to the specified collection allowance as your commission. If your return is filed late, you lose the collection allowance and will be charged a penalty and interest
- 5 You must register each location from which you do business and file a return for each location unless the Department has approved reporting in another manner
- 6 You are required to file a return even though you may have no sales tax to report. Late filing of a "zero sales" return will result in a \$10.00 penalty assessment
- 7 It is your responsibility to notify the Florida Department of Revenue if you have any changes in your business (new location, mailing address, incorporation, change of partner in partnership, etc.)
- 8 In the event that your business is sold or closed, the law requires you to pay all taxes, penalty and/or interest due within 15 days. A final return form is included in the sales tax coupon book
- 9 You may extend your sales tax number to your suppliers when making purchases of items that will be resold, incorporated into an item of tangible personal property for sale, or exclusively rented as tangible personal property. All other purchases are taxable
- 10 When accepting a tax number from another dealer instead of charging sales tax, you must keep on file a "Resale Certificate" which includes: business name, location address, reason for exempt purchase, signature of authorized agent, and tax number. Resale certificates are available at a nominal cost from your local office supply store, or if you prefer, you may have your printer prepare a form for your use. (The Department has a suggested format available upon request.)

Please contact your local Florida Department of Revenue Service Center if you require additional information or assistance regarding Florida Sales and Use Tax

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 1550 issued to La Nueva Estrella Restaurant, Inc., for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees, and Rule 25-24.520, Florida Administrative Code, Reporting Requirements.

DOCKET NO. 971244-TC
ORDER NO. PSC-97-1447-FOF-TC
ISSUED: November 17, 1997

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE, REQUIRING PAYMENT OF REGULATORY ASSESSMENT FEES AND REQUIRING INFORMATION IN ACCORDANCE WITH RULE 25-24.520, FLORIDA ADMINISTRATIVE CODE, OR CANCELING PAY TELEPHONE CERTIFICATE AND DIRECTING CERTIFICATED LOCAL EXCHANGE COMPANIES TO DISCONTINUE SERVICE

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.

La Nueva Estrella Restaurant, Inc. (La Nueva Estrella) currently holds Certificate of Public Convenience and Necessity, Number 1550, issued by the Commission on April 25, 1987, authorizing the provision of pay telephone service. La Nueva

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Estrella has not paid the regulatory assessment fees required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 1996. The regulatory assessment fee form was mailed to La Nueva Estrella in December, 1996, for the period of January 1, 1996, through December 31, 1996. 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. La Nueva Estrella was notified of its delinquency on June 3, 1997. La Nueva Estrella has been given adequate opportunity to pay. The Commission's correspondence regarding the regulatory assessment fees was signed for and received. To date, La Nueva has not paid the required fee(s).

The return of these materials indicates that La Nueva Estrella may have violated Rule 25-24.520(1)(a), Florida Administrative Code, which requires the reporting to the Commission of an address change within ten (10) days of its effectiveness. Accordingly, Commission staff attempted to reach the contact person of La Nueva Estrella by telephone. This effort was unsuccessful, indicating that La Nueva Estrella may have also violated Rule 25-24.520(1)(b), Florida Administrative Code, which requires the reporting to the Commission of a change in the name, title, or telephone number of the individual responsible for Commission contacts.

For the reasons described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel La Nueva Estrella's certificate, unless La Nueva Estrella pays a \$500 fine for failure to comply with Section 364.336, Florida Statutes, Rule 25-4.0161, Florida Administrative Code, and remits all past due regulatory assessment fees, along with statutory penalties and interest charges. We also find it appropriate to cancel La Nueva Estrella's certificate unless it pays a \$500 fine for failure to comply with Rule 25-24.480 (2), Florida Administrative Code, and provides the information required by Rule 25-24.520, Florida Administrative Code, to the Florida Public Service Commission. La Nueva Estrella must comply with these requirements within five business days from the date this Order becomes final. The fines will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, required information, and fines are received, this docket shall be closed. Should La Nueva Estrella fail to comply with this Order within five business days from the date this Order becomes

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final, La Nueva Estrella shall have its certificate canceled and the docket will be closed. The cancellation of the certificate and the closing of the docket in no way diminishes La Nueva Estrella's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges.

Should La Nueva Estrella's certificate be canceled, all certificated local exchange companies are instructed to discontinue service to La Nueva Estrella, pursuant to Rule 25-24.510, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. Any certificated local exchange company providing service to La Nueva Estrella must contact the Commission at the conclusion of the response period indicated herein in order to determine if La Nueva Estrella's certificate has been canceled.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that La Nueva Estrella Restaurant, Inc. shall pay the past due regulatory assessment fee(s), statutory penalties, interest charges, and a \$500 fine 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 five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that La Nueva Estrella Restaurant, Inc. shall provide the correct mailing address, liaison information, and other information in accordance with Rule 25-24.520, Florida Administrative Code, and pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-24.520, Florida Administrative Code, within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should La Nueva Estrella Restaurant, Inc. fail to comply with this Order, La Nueva Estrella Restaurant, Inc.'s certificate shall be canceled, and the docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes La Nueva Estrella Restaurant, Inc.'s obligation to pay applicable delinquent

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regulatory assessment fees, statutory penalties, and interest charges. It is further

ORDERED that all certificated local exchange companies shall discontinue service to La Nueva Estrella Restaurant, Inc. upon verification of the cancellation of the certificate at the conclusion of the response period set forth in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fines, and fees, or upon cancellation of the certificate.

By ORDER of the Florida Public Service Commission this 17th day of November, 1997.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

WPC

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

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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 and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 8, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

LA Numa C. Telle
553 Est - 9th
Hialeah - 33010



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Fold at line over top of envelope to
the right of the return address

CERTIFIED

Z 172 013 377

MAIL

Florida Public Service Commission
Orville
Division of Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, FL. 32399-0850

