

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 212
issued to James N. Johnson for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees.

DOCKET NO. 971245-TC

DATED: MARCH 6, 1998

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-98-0071-PCO-TC, the Staff of the Florida Public Service Commission files its Prehearing Statement.

- A. All Known Witnesses: Staff will sponsor Kelly Biegalski as a witness, including direct and rebuttal testimony.
- B. All Known Exhibits: Staff has identified the following tentative list of exhibits which it intends to utilize in this proceeding. Staff reserves the right to proffer additional exhibits at the hearing.
1. Order Granting Mr. James N. Johnson a Pay Telephone Certificate
I.D.: KB-1
 2. Signed Certified Receipt of Past Due RAF Fees
I.D.: KB-2
 3. Relevant Commission Rules and Florida Statutes
I.D.: KB-3
 4. Payment History of Mr. James N. Johnson (1/23/98)
I.D.: KB-4
 5. RAF Fee Notices Sent to Mr. James N. Johnson
I.D.: KB-5
 6. Payment History of Mr. James N. Johnson (3/6/98)
I.D.: KB-6

ACK _____
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
LIN 3 _____
OPC _____
RCH _____
SEC 1 _____
WAS _____
OTH _____

DOCUMENT NUMBER-DATE

02944 MAR-6 88

FPSC-RECORDS/REPORTING

C. Staff's Statement of Basic Position:

Staff believes that Mr. Johnson's certificate, Pay Telephone Certificate No. 212, should be cancelled. Since receiving his certificate on October 4, 1985, Mr. Johnson has consistently failed to pay his regulatory assessment fees in a timely fashion as required by Commission Rule 25-4.0161, Florida Administrative Code. Some fees remain up to seven years past due. Presently, Mr. Johnson owes past due statutory penalty and interest in the amount of \$73.50 in addition to the \$500 fine that he is protesting.

Further, Mr. Johnson has never installed a pay telephone station under his certificate. Staff recognizes that Mr. Johnson has suffered from physical disabilities as a result of several auto accidents, but staff does not believe that these accidents sufficiently excuse Mr. Johnson's record over the past twelve years. Most recently, Mr. Johnson was brought before the Commission in August, 1996, to cancel his certificate for his delinquent 1995 regulatory assessment fees. At that time, he paid his regulatory assessment fee and the \$250 fine but has yet to pay the statutory penalty and interest. Given these circumstances, there is no valid justification for Mr. Johnson to continue to hold his certificate.

D. Staff's Position on the Issues:

ISSUE 1:

Should the Commission impose a fine or cancel Mr. James Johnson's Pay Telephone Certificate No. 212 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees?

STAFF: See Basic Position above.

E. Stipulation

Staff is not aware of any issues that have been stipulated at this time.

F. Pending Motions:

Staff has no pending motions at this time.

RESPECTFULLY SUBMITTED,



WILLIAM P. COX
Staff Counsel

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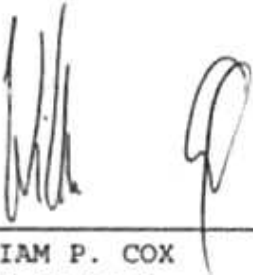
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FILED: MARCH 6, 1998

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one true and correct copy of Staff's
Prehearing Statement has been furnished by U.S. Mail this 6th day
of March, 1998, to the following:

Mr. James N. Johnson
100 Camelot Drive
Ft. Pierce, FL 34946



WILLIAM P. COX
Staff Counsel

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