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MEMORANDUM

February 18, 1999

FEB 18 AM 11:44  
RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KMP  
NEB*

RE: DOCKET N 981132-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4139 ISSUED TO NORTH AMERICAN TELEPHONE-TPA., INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

0318 - FOF

Attached is an ORDER CANCELLING PAY TELEPHONE CERTIFICATE, to be issued in the above-referenced docket. (Number of pages in order - 3)

KMP/anr  
Attachment  
cc: Division of Communications  
I: 981132.kmp

1m

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 4139  
issued to North American  
Telephone-Tpa., Inc. for  
violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 981132-TC  
ORDER NO. PSC-99-0318-FOF-TC  
ISSUED: February 18, 1999

The following Commissioners participated in the disposition of  
this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

ORDER CANCELLING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

North American Telephone-Tpa., Inc. (North American) obtained  
Florida Public Service Commission Pay Telephone Certificate (PATS)  
of Public Convenience and Necessity No. 4139 on April 28, 1995.

The Division of Administration advised our staff by memorandum  
that North American 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 1997, nor  
statutory penalties and interest charges for late RAFs payments for  
the year 1997. The RAFs form was mailed to North American for the  
period of January 1, 1997, through December 31, 1997. Our  
correspondence regarding the RAFs was signed for and delivered to  
Southern Bell-Communications on December 15, 1997.

After the November 3, 1998 Agenda Conference, where the  
Commission voted to fine or cancel North American's certificate,  
but prior to the issuance of Order No. PSC-98-1546-FOF-TC on  
November 23, 1998, our staff received a letter from Ms. Laura M.  
Booker, Attorney for North American. In her letter, Ms. Booker

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requested the voluntary cancellation of North American's PATS Certificate No. 4139; advised our staff that North American is no longer in the pay telephone business; and enclosed a check for the 1997 RAFs, plus the statutory penalty and interest charges, and the 1998 RAFs.

North American has complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its PATS certificate and by submitting its regulatory assessment fees for 1997 and 1998. Accordingly, we find it appropriate to cancel PATS Certificate No. 4139, effective November 9, 1998. North American shall return its certificate to this Commission.

Based on the foregoing, it is

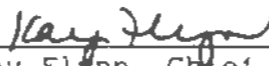
ORDERED by the Florida Public Service Commission that North American Telephone-Tpa., Inc.'s Certificate No. 4139 to provide Pay Telephone services is hereby cancelled, effective November 9, 1998. It is further

ORDERED that North American Telephone-Tpa., Inc. shall return its certificate to this Commission. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission, this 18th day of February, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

  
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Kay Flynn, Chief  
Bureau of Records

( S E A L )

KMP

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.