

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 3900  
issued to H. Cartman for  
violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 981125-TC  
ORDER NO. PSC-99-0494-AS-TC  
ISSUED: March 9, 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 APPROVING SETTLEMENT

BY THE COMMISSION:

H. Cartman (Mr. Wentworth) currently holds Certificate of Public Convenience and Necessity No. 3900, issued by the Commission on December 15, 1994, authorizing the provision of pay telephone service. The Division of Administration advised our staff by memorandum that Mr. Cartman 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.

Under 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 and an affidavit in which the applicants attest that the rules have been

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received and understood by the applicant. This affidavit must be attached to the application in order for the application to be processed. The RAFs form was mailed to Mr. Cartman in December, 1997, for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to Mr. Cartman on December 13, 1997.

After this docket was opened, our staff received a call from Mrs. Sandra Cartman. She stated that Mr. Cartman had passed away on January 28, 1998 and it was her understanding the he had mailed his 1997 RAFs form. She requested deferral of this Item from the November 3, 1998 Agenda Conference. Her request was granted. Mrs. Cartman has stated that she will be running the business started by her husband and assured us that she would pay RAFs in a timely manner in the future.

Due to the extenuating circumstances, we believe that Mrs. Cartman should be allowed to comply with Commission rules and that it would serve no purpose to fine Mrs. Cartman. Accordingly, we hereby accept the terms of Mrs. Cartman's settlement agreement.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Mrs. Sandra Cartman's settlement agreement, summarized in the body of this Order, is hereby approved. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 9th day of March, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
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.