

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4473
issued to Morton Group, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 981272-TC
ORDER NO. PSC-99-0668-FOF-TC
ISSUED: April 6, 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 CANCELING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

Morton Group, Inc. (Morton Group) currently holds Certificate of Public Convenience and Necessity No. 4473, issued by the Commission on January 6, 1996, authorizing the provision of pay telephone service (PATS). The Division of Administration advised our staff by memorandum that Morton Group 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

DOCUMENT NUMBER-DATE

04406 APR-68

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-0668-FOF-TC
DOCKET NO. 981272-TC
PAGE 2

receive a copy of our rules governing pay telephone service and an affidavit in which the applicants attest that the rules have been received and understood by the applicant. This affidavit must be attached to the application in order for the application to be processed. The RAF form was mailed to Morton Group for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to Morton Group on December 15, 1997.

This docket was presented before the Commission on the December 15, 1998, Agenda Conference. On January 6, 1999 Order No. PSC-99-0055-FOF-TC was issued. The Order determined that if Morton Group did not pay a \$500 fine for violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, its certificate would be canceled. After the Agenda Conference, but prior to the issuance of the Order, our staff received a letter on December 21, 1998, from Mr. Bradley Morton. In his letter he requested the voluntary cancellation of the company's certificate. He also stated that he had previously advised our staff by telephone that his company was no longer in the pay telephone business. Further, Mr. Morton enclosed with letter a check for the 1997 and 1998 regulatory assessment fees, plus statutory penalty and interest charges for the year 1997. Morton Group 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 the years 1997 and 1998. Accordingly, we find it appropriate to cancel PATS Certificate No. 4473, effective December 31, 1998. Morton Group shall return its certificate to this Commission.

Based on the foregoing, it is

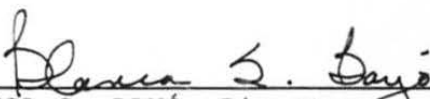
ORDERED by the Florida Public Service Commission that Morton Group, Inc.'s Certificate No. 4473 to provide Pay Telephone services is hereby canceled, effective December 31, 1998. It is further

ORDERED that Morton Group, Inc. shall return its certificate to this Commission. It is further

ORDERED that this Docket is closed.

ORDER NO. PSC-99-0668-FOF-TC
DOCKET NO. 981272-TC
PAGE 3

By ORDER of the Florida Public Service Commission, this 6th
day of April, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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.