

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 5103  
issued to Roger Anthony Waldron  
for violation of Rules 25-  
4.0161, F.A.C., Regulatory  
Assessment Fees;  
Telecommunications Companies,  
and 25-24.520, F.A.C., Reporting  
Requirements.

DOCKET NO. 981496-TC  
ORDER NO. PSC-99-1079-AS-TC  
ISSUED: May 26, 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:

Roger Anthony Waldron (Mr. Waldron) currently holds  
Certificate of Public Convenience and Necessity No. 5103, issued by  
the Commission on March 18, 1997, authorizing the provision of pay  
telephone service. The Division of Administration advised our  
staff by memorandum that Mr. Waldron 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. Also, accrued statutory penalties and interest charges  
for late RAF payments for the year 1997 have not been paid.

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. The  
entities attest that these rules have been received and understood  
by the applicant and an affidavit must be attached to the  
application in order for the application to be processed. The RAF

DOCUMENT NUMBER-DATE

06604 MAY 26 8

PSC-RECORDS/REPORTING

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form was mailed to Mr. Waldron for the period of January 1, 1997, through December 31, 1997. The United States Postal Service returned the unopened envelope stamped "return to sender" and "attempted, not known."

On February 4, 1999, Order No. PSC-99-0190-FOF-TC was issued. The Order determined that if Mr. Waldron did not pay a \$500 fine for failure to comply with Rule 25-4.161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, Mr. Waldron's certificate would be canceled. On February 15, 1999, our staff received a call from Mr. Waldron. He stated that the company would pay all the past due charges and would propose a settlement offer. Mr. Waldron paid all the past due statutory penalties and interest charges, and submitted a settlement offer of \$50. Our staff contacted Mr. Waldron on March 5, 1999, to explain to him that in similar cases, this Commission had accepted settlement proposals of \$100 for the same rule violation, and asked if he wanted to reconsider his settlement proposal. On March 12, 1999, Mr. Waldron agreed to pay future regulatory assessment fees in a timely manner and contribute \$100 to the State General Revenue Fund.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. Mr. Waldron must comply with these requirements within five business days from the date this Order becomes final. The contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Upon remittance of the \$100 contribution, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Roger Anthony Waldron's settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that upon receipt of the \$100 contribution, this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 26th  
day of May, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( 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.

M E M O R A N D U M

May 25, 1999

RECEIVED-FPSC

99 MAY 25 PM 4:00

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp OB*

RE: DOCKET NO. 981496-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5103 ISSUED TO ROGER ANTHONY WALDRON FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS

99-1079-AS

Attached is an ORDER APPROVING SETTLEMENT, with attachments, to be issued in the above-referenced docket. (Number of pages in order - ~~4~~3)

KMP/anr  
Attachment  
cc: Division of Communications (Isler)  
I: 981496s.kmp

*See 1, 2*

*based  
cancelled to*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 5/26/99  
Number of Originals 3 Copies Per Original 19  
Requested By J. White

Item Presented  
Agenda For (Date) \_\_\_\_\_ Order No. 99-1079 In Docket No. 981496  
Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
Other \_\_\_\_\_

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	<u>--</u>	_____
<u>(1)</u>	<u>Docket Mailing List - Mailed</u>	_____	_____
	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 294 Verified By W.S.  
Date and Time Completed 5-27 Job Checked For Correctness and Quality (Initial) \_\_\_\_\_

Mail Room Verification

Date Mailed \_\_\_\_\_ Verified By \_\_\_\_\_