

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4957
issued to Miresa Inc. d/b/a In
Touch Telecommunications for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991117-TC
ORDER NO. PSC-99-2100-PAA-TC
ISSUED: October 25, 1999

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE AND REQUIRING PAYMENT OF REGULATORY
ASSESSMENT FEES, OR CANCELING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

Miresa Inc. d/b/a In Touch Telecommunications (In Touch)
currently holds Certificate of Public Convenience and Necessity
No. 4957, issued by the Commission on October 15, 1996, authorizing
the provision of Pay Telephone (PATS) service. The Division of
Administration advised our staff by memorandum that In Touch 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 1998. Also, accrued statutory
penalties and interest charges for late RAFs payments for the years
1996 and 1998 had not been paid.

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REGULATORY DIVISION

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Pursuant to 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 PATS service. All applicants must 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. Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due. In Touch has been given adequate opportunity to pay. As of the date of this vote, In Touch has not paid the required fees.

This is the second docket opened against In Touch for nonpayment of its RAFs. The first was Docket No. 981320-TC for nonpayment of its 1997 RAFs. On February 19, 1999, Order No. PSC-98-0338-FOF-TC was issued, approving In Touch's settlement offer to pay future RAFs in a timely manner, provide the Commission with updated reporting requirements within 10 days of a change, and contribute \$200 to the State General Revenue Fund. In Touch paid the 1997 RAFs and the \$200 contribution, and the docket was closed.

Accordingly, for the reason described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel In Touch's certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless In Touch pays a \$1,000 fine and remits all past due RAFs, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. In Touch must comply with these requirements within five business days after the issuance of the Consummating Order. The fine will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and fine are received, this Docket shall be closed. Should In Touch fail to comply with this Order within five business days after the issuance of the Consummating Order, In Touch shall have its certificate canceled administratively, and the Docket shall be closed. The cancellation of the certificate and the

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closing of the Docket in no way diminishes In Touch's obligation to pay applicable delinquent RAFs, statutory penalties, and interest charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Miresa Inc. d/b/a In Touch Telecommunications must pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$1,000 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Miresa Inc. d/b/a In Touch Telecommunications fail to comply with this Order, Miresa Inc. d/b/a In Touch Telecommunications' Certificate No. 4957 shall be canceled, and the Docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes Miresa Inc. d/b/a In Touch Telecommunications' obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fine, and fees, or upon cancellation of the certificate.

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By ORDER of the Florida Public Service Commission this 25th
day of October, 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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 15, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

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M E M O R A N D U M

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October 22, 1999

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

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

RE: DOCKET NO. 991117-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4957 ISSUED TO MIRESA INC. D/B/A IN TOUCH TELECOMMUNICATIONS FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

2100-PAA

Attached is an ORDER IMPOSING FINE AND REQUIRING PAYMENT OF REGULATORY ASSESSMENT FEES, OR CANCELING PAY TELEPHONE CERTIFICATE to be issued in the above-referenced docket. (Number of pages in order - 5)

KMP/sa
Attachment
cc: Division of Communications
I:991117.kmp

See 172

1 Certified.