

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3843 issued to L.L.C., Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991020-TC
ORDER NO. PSC-99-2108-AS-TC
ISSUED: October 25, 1999

DEPOSIT DATE
D209 NOV 04 1999

The following Commissioners participated in the disposition of this matter:

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

Settlement
TF191

P. Isler
RJR

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

L.L.C., Inc. (L.L.C.) currently holds Certificate of Public Convenience and Necessity No. 3843, issued by the Commission on September 21, 1994, authorizing the provision of Pay Telephone (PATS) service. The Division of Administration advised our staff by memorandum that L.L.C. had not paid the 1998 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1998 had not been paid. RAFs are required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

All entities that apply for certification receive a copy of our rules governing PATS service. All applicants must...

L.L.C., INC.
POST OFFICE BOX 16966
TAMPA, FL 33687-6966

THE TERRACE BANK OF FLORIDA
TAMPA, FL 33617-2145
63-1302/631

1951

10/22/1999

\$ **100.00

PAY TO THE ORDER OF Florida Public Service Commission

One Hundred and 00/100*****

DOLLARS
Security features included.
Details on back

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Attention: Fiscal Services

DOCUMENT NUMBER-DATE

1998 Regulatory Assessment Fee - Settlement Contribu

13611 NOV -4 99

MEMO

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FPSC-RECORDS/REPORTING

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BY THE COMMISSION:

L.L.C., Inc. (L.L.C.) currently holds Certificate of Public Convenience and Necessity No. 3843, issued by the Commission on September 21, 1994, authorizing the provision of Pay Telephone (PATS) service. The Division of Administration advised our staff by memorandum that L.L.C. had not paid the 1998 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1998 had not been paid. RAFs are required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

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 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. The RAFs form was mailed to L.L.C. for the period of January 1, 1998, through December 31, 1998 on December 10, 1998. 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. However, pursuant to Section 350.113(4),

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Florida Statutes, the Commission shall provide at least a 45 days notice of the date the payment is due prior to the due date. L.L.C. was scheduled to remit its RAFs by February 1, 1999.

On September 2, 1999, Ms. Jan Klosicki, L.L.C.'s Business Manager, contacted our staff and requested that a RAFs form be faxed to her. She advised our staff that L.L.C. would pay the past due amount, and would make a settlement offer. On September 3, 1999, the Division of Administration received the past due amount and a settlement offer to pay future RAFs in a timely basis 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. L.L.C. must comply with these requirements within five business days from the date of issuance of this Order. 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. If L.L.C. fails to comply with this Order, its certificate will be canceled administratively. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that L.L.C., Inc.'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 It is further

ORDERED that if L.L.C., Inc. fails to comply with this Order, its Pay Telephone Certificate No. 3843 will be canceled administratively. It is further

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

By ORDER of the Florida Public Service Commission this 25th day of October, 1999.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director

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Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

(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.

STATE OF FLORIDA



RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
99 NOV -4 AM 8:54
MAIL ROOM *LCI*

PUBLIC SERVICE COMMISSION

**2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850**

To: George L. Southworth/TF191 L.L.

Date: 10-25-99

From: Records Fax Server

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