

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4994
issued to C. Wayne Cooper for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991126-TC
ORDER NO. PSC-99-2521-FOF-TC
ISSUED: December 23, 1999

The following Commissioners participated in the disposition of
this matter:

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

ORDER CANCELING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

C. Wayne Cooper (Mr. Cooper) currently holds Certificate of
Public Convenience and Necessity No. 4994, issued by the Commission
on December 25, 1996, authorizing the provision of Pay Telephone
service (PATS). The Division of Administration advised our staff
by memorandum that Mr. Cooper 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.

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 Pay Telephone (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. The

DOCUMENT NUMBER-DATE

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United States Postal Service neither returned the receipt, nor correspondence regarding the RAFs was not.

On October 4, 1999, Mrs. Cooper contacted staff and stated that her husband had requested the cancellation of his certificate in July of 1998. She further stated that she would provide a copy for our staff of the letter requesting cancellation of the certificate, she would pay the past due balance, including statutory penalties and interest charges, and request again the cancellation of his certificate. At the October 5, 1999, Agenda Conference, we voted to impose a \$500 fine and required payment of the fine and fees or Mr. Cooper's certificate would be canceled. On October 11, 1999, we received Mr. Cooper's RAFs, including penalty and interest charges, along with a letter requesting voluntary cancellation of his certificate. Mr. Cooper also enclosed a copy of his 1998 letter requesting the cancellation of his certificate.

Mr. Cooper has complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of his request for cancellation of his PATS certificate and by submitting its RAFs for the year 1998. Accordingly, we find it appropriate to cancel PATS Certificate No. 4107, effective July 31, 1998. Mr. Cooper shall return his certificate to this Commission.

Based on the foregoing, it is

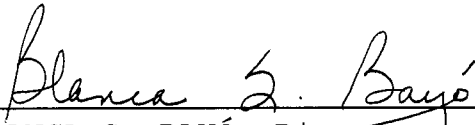
ORDERED by the Florida Public Service Commission that C. Wayne Cooper's Certificate No. 4994 to provide Pay Telephone services is hereby canceled, effective September 8, 1999. It is further

ORDERED that C. Wayne Cooper shall return his certificate to this Commission. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission this 23rd
day of December, 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.

OK to issue 12/23/99
Per Legal/B. Keating

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M E M O R A N D U M

December 22, 1999

99 DEC 22 PM 1:35

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

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

RE: DOCKET NO. 991126-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4994 ISSUED TO C. WAYNE COOPER FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

2521-FOF

Attached is an ORDER CANCELING PAY TELEPHONE CERTIFICATE, to be issued in the above-referenced docket. (Number of pages in order - 3)

KMP/anc
Attachment
cc: Division of Communications
I: 991126v.kmp

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pg 1, 2

1 certified
12/23