

ORIGINAL

991502-TC

Play the message again that I left - I'm sure you have it on record - I didn't talk to the person - I left a message on the voice mail -

Mr. Gutter

If you need further information let me know & I'll contact my attorney -

8590 119<sup>th</sup> St. N.

Seminole, Fl. 33772

AFA	_____
APP	_____
CAF	_____
CMU	1-7slw
CTR	_____
EAG	_____
LEG	1-Pena
MAS	_____
OPC	_____
RRR	_____
SEC	1
WAW	_____
DTH	_____

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fees is due. 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), Florida Statutes, the Commission shall provide at least a 45 days notice of the date the payment is due prior to the due date. Mr. Gatlin was scheduled to remit its RAFs by February 1, 1999.

On April 16, 1999, this Commission received a response to our request for updated reporting requirements with a statement requesting the cancellation of the certificate. Our staff sought to contact Mr. Gatlin to explain that he currently owed the 1998 RAFs and in order to recommend cancellation of his certificate, he had to pay the past due amount in full. Mr. Gatlin was asked to respond by August 6, 1999. Since our staff did not receive a response by the specified date, on September 29, 1999, our staff sought to contact Mr. Gatlin via telephone. Mrs. Gatlin talked to our staff and stated that they were no longer in the business and requested the cancellation of Mr. Gatlin's certificate.

Mr. Gatlin has not complied with Rule 25-24.514(2), Florida Administrative Code, which states:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be cancelled.

Accordingly, since the company's certificate remains active until it requests a voluntary cancellation pursuant to Rule 25-24.514(2), Florida Administrative Code, or we involuntarily cancel the certificate, Mr. Gatlin is responsible for the RAFs. As of the date of this vote, Mr. Gatlin continues to be in violation of our rules for non-payment of RAFs for 1998.

For the reasons described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we deny Mr. Gatlin's request for voluntary cancellation of Pay Telephone Certificate No. 5122 for failure to comply with the provisions of 25-24.514(2), Florida Administrative Code. However, we find it

*I never said we "were no longer in the business" - I said we were never in business - the phones sat unhooked, in our garage for 3 years - they were sold last year - 11*