

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5814
issued to Beacon Service Station
Inc. for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991210-TC
ORDER NO. PSC-00-0190-AS-TC
ISSUED: January 25, 2000

The following Commissioners participated in the disposition of
this matter:

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

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Beacon Service Station Inc. (Beacon Service Station) currently holds Certificate of Public Convenience and Necessity No. 5814, issued by the Commission on April 7, 1998, authorizing the provision of Pay Telephone service. The Division of Administration advised our staff by memorandum that Beacon Service Station 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 Pay Telephone service. All applicants must

DOCUMENT NUMBER-DATE

01055 JAN 25 8

FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-0190-AS-TC
DOCKET NO. 991210-TC
PAGE 2

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

On November 8, 1999, Mr. Jerry Ordonez, Beacon Service Station's President, contacted our staff and advised that Beacon Service Station would pay the past due amount and would make a settlement offer. At the November 16, 1999, Agenda Conference we approved our staff's recommendation to fine Beacon Service Station \$500 or cancel its certificate. On November 22, 1999, we received from Beacon Service Station the past due amount in full, along with a letter proposing to contribute \$100 to the State General Revenue Fund and advising that it had taken steps to prevent this from happening in the future.

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. Beacon Service Station must comply with these requirements within ten business days from the date of issuance of this Order. The contribution should identify the docket number and company name. 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 Beacon Service Station 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.

ORDER NO. PSC-00-0190-AS-TC
DOCKET NO. 991210-TC
PAGE 3

Based on the foregoing, it is

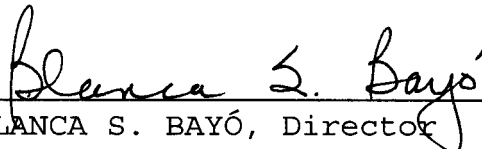
ORDERED by the Florida Public Service Commission that Beacon Service Station Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

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

ORDERED that if Beacon Service Station Inc. fails to comply with this Order, its Pay Telephone Certificate No. 5814 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 January, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

ORDER NO. PSC-00-0190-AS-TC
DOCKET NO. 991210-TC
PAGE 4

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.