

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5050
issued to St. Luke's Hospital
Association for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991132-TC
ORDER NO. PSC-00-0192-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:

St. Luke's Hospital Association (St. Luke's Hospital) currently holds Certificate of Public Convenience and Necessity No. 5050, issued by the Commission on January 29, 1997, authorizing the provision of Pay Telephone service. The Division of Administration advised our staff by memorandum that St. Luke's Hospital 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

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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 St. Luke's Hospital 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. St. Luke's Hospital was scheduled to remit its RAFs by February 1, 1999.

On October 12, 1999, Ms. Gloria Smith contacted our staff and advised St. Luke's Hospital wanted to keep its certificate active, requested a RAFs form, and stated that she would pay the outstanding balance. At the October 19, 1999, Agenda Conference we approved our staff's recommendation to fine or cancel St. Luke's Hospital's certificate. On the same date, the Division of Administration notified our staff that we had received a settlement offer, a check for the 1998 RAFs, including statutory penalties and interest charges, and a \$100 check to satisfy the settlement proposal. We issued Order No. PSC-99-2206-PAA-TC on November 9, 1999, to reflect the vote at the October 19, 1999, Agenda Conference.

However, on November 17, 1999, we received a letter from St. Luke's Hospital stating that its records showed that the payment was previously mailed, but apparently, we never received it. St. Luke's Hospital enclosed a copy of their 1998 RAFS form, dated January 14, 1999, and a copy of the check for the fees, dated January 12, 1999. Ms. Smith also advised that she did not believe that we should assess a monetary fine since the return and form had been mailed to this Commission. She further advised that a tracking system had been implemented to prevent this from happening in the future.

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Due to the extenuating circumstances, we believe that St. Luke's Hospital did attempt to comply with Commission rules by mailing the return and the RAFs on January 14, 1999. Although, we did not receive St. Luke's Hospital's check and 1998 RAFs form, we believe it would serve no purpose to fine St. Luke's Hospital.

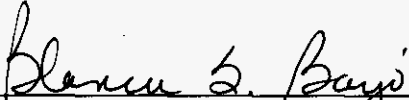
We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. The contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that St. Luke's Hospital Association's settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 25th day of January, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.