

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Shared Tenant Services
Certificate No. 2369 issued to
2875 South Ocean Corporation for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991873-TS
ORDER NO. PSC-00-0806-PAA-TS
ISSUED: April 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.
LILA A. JABER

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE AND REQUIRING PAYMENT OF REGULATORY
ASSESSMENT FEES, OR CANCELING SHARED TENANT
SERVICES CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

2875 South Ocean Corporation (2875 South Ocean) currently
holds Certificate of Public Convenience and Necessity No. 2369,
issued by the Commission on July 17, 1992, authorizing the
provision of Shared Tenant Service (STS). The Division of
Administration advised our staff by memorandum that 2875 South
Ocean had not paid the balance of 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 1994, 1996, 1998, and the balance for 1997
had not been paid.

DOCUMENT NUMBER-DATE

05078 APR 25 8

PRODUCED BY THE COMMISSION

ORDER NO. PSC-00-0806-PAA-TS
DOCKET NO. 991873-TS
PAGE 2

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 STS 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 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due. 2875 South Ocean has been given adequate opportunity to pay. As of the date of this vote, 2875 South Ocean has not paid the required fees.

For the reason described above; pursuant to Rule 25-24.572(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel 2875 South Ocean's certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless 2875 South Ocean pays a \$500 fine and remits all past due RAFs in full, along with statutory penalties and interest charges, to the Florida Public Service Commission. 2875 South Ocean must comply with these requirements within five business days after the issuance of the Consummating Order. The fine will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285 (1), Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and fine are received, this Docket shall be closed. Should 2875 South Ocean fail to comply with this Order within five business days after the issuance of the Consummating Order, 2875 South Ocean shall have its certificate canceled administratively, and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes 2875 South Ocean's obligation to pay applicable delinquent RAFs, statutory penalties, and interest charges in full.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that 2875 South Ocean Corporation must pay the past due Regulatory Assessment

ORDER NO. PSC-00-0806-PAA-TS
DOCKET NO. 991873-TS
PAGE 3

Fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should 2875 South Ocean Corporation fail to comply with this Order, 2875 South Ocean Corporation's Certificate No. 2369 shall be canceled, and the Docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes 2875 South Ocean Corporation's obligation to pay applicable delinquent Regulatory Assessment Fees, statutory penalties, and interest charges in full. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fine, and fees, or upon cancellation of the certificate.

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



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

ORDER NO. PSC-00-0806-PAA-TS
DOCKET NO. 991873-TS
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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 16, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

M E M O R A N D U M

April 24, 2000

RECEIVED-PPSC

00 APR 25 AM 10:35

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *VMM P/K*

RE: DOCKET NO. 991873-TS - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF SHARED TENANT SERVICES CERTIFICATE NO. 2369 ISSUED TO 2875 SOUTH OCEAN CORPORATION FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

0806-PAA

Attached is a to be issued in the above-referenced docket.
(Number of pages in order - 4)

KMP/jmb
Attachment
cc: Division of Communications
I: 991873.kmp

*1 - Certified
4/25*