

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Service Certificate  
No. 5381 issued to Bestel, Inc.  
for violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 992013-TC  
ORDER NO. PSC-00-1350-FOF-TC  
ISSUED: July 26, 2000

The following Commissioners participated in the disposition of  
this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

ORDER RENDERING ORDER NO. PSC-00-0859-PAA-TC  
FINAL AND CLOSING DOCKET

BY THE COMMISSION:

Bestel, Inc. (Bestel) currently holds Certificate of Public  
Convenience and Necessity No. 5381, issued by the Commission on  
July 18, 1997, authorizing the provision of Pay Telephone service  
(PATS).

The Division of Administration advised our staff by memorandum  
that Bestel 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 years 1998 and 1999. Also,  
accrued statutory penalties and interest charges for late RAFs  
payments for the years 1998 and 1999 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 PATS service. All applicants  
must attest that these rules have been received and understood by

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FPSC-RECORDS/REPORTING

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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. Bestel has been given adequate opportunity to pay.

Therefore, by Order No. PSC-00-0859-PAA-TC, issued on May 2, 2000, we imposed a \$1,000 fine for violation of Rule 25-4.0161, Florida Administrative Code, and Section 364.336, Florida Statutes. Failure to comply or protest the Order would result in the cancellation of its certificate. Order No. PSC-00-0859-PAA-TC was never consummated because the company paid the 1998 RAF, including penalty and interest charges, and proposed a settlement. However, the company's check for the 1998 RAF payment was later returned by its bank. In addition, the company's check for the 1999 RAF payment was returned by its bank.

Bestel was previously advised in a telephone conversation that our staff could not recommend acceptance of the settlement offer, which proposed to pay a \$500 contribution and future RAFs on a timely basis, when the RAFs were not paid in full. Bestel, Inc. has a history of late payments and returned checks. In addition, in Docket No. 981438-TC, Bestel proposed to pay future RAFs on a timely basis, therefore, Bestel is in noncompliance of its previous settlement proposal. As of June 16, 2000, the 1998 and 1999 RAFs, including statutory penalty and interest charges, remain unpaid.

We note that Bestel did not file a response to the Commission's Proposed Agency Action Order as required by Rule 28-106.201, Florida Administrative Code, as set forth in Rule 25-22.029(3), Florida Administrative Code, and did not request a hearing. Therefore, for the reasons described above, we find it appropriate to reject Bestel's settlement offer and render Order No. PSC-00-0859-PAA-TC a Final Order. If Bestel fails to pay in full with a cashier's check or money order in full the required 1998 and 1999 regulatory assessment fees, including statutory penalty and interest charges, the returned check service charges, and \$1,000 fine within five business days of the issuance of this Order, Bestel, Inc.'s Certificate No. 5381 shall be canceled in accordance with Order No. PSC-00-0859-PAA-TC. If the fine is paid, it shall be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. This docket shall be closed upon receipt of the required 1998 and 1999 RAFs, including

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statutory penalty and interest charges, the returned check service charges, and \$1,000 fine, or cancellation of the certificate.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-00-0859-PAA-TC is hereby rendered final and effective as of the date of issuance of this Order. It is further

ORDERED that Bestel, Inc. must pay with a cashier's check or money order in full the required 1998 and 1999 Regulatory Assessment Fees, including statutory penalties and interest charges, the returned check service charges, and a \$1,000 fine, as required by Order No. PSC-00-0859-PAA-TC, within five business days of the issuance of this 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 Bestel, Inc. fail to comply with this Order, Bestel, Inc.'s Certificate No. 5381 shall be canceled in accordance with Order No. PSC-00-0859-PAA-TC, and this Docket shall be closed. It is further

ORDERED that this docket shall be closed upon receipt of the required 1998 and 1999 regulatory assessment fees, including statutory penalty and interest charges, the returned check service charges, and \$1,000 fine, or cancellation of the certificate.

By ORDER of the Florida Public Service Commission this 26th day of July, 2000.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

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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.