

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 6084
issued to BF Goodman for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 001129-TC
ORDER NO. PSC-00-2111-PAA-TC
ISSUED: November 7, 2000

The following Commissioners participated in the disposition of
this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELING PAY TELEPHONE CERTIFICATE INVOLUNTARILY

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.

BF Goodman (Goodman) currently holds Certificate of Public
Convenience and Necessity No. 6084, issued by the Commission on May
21, 1999, authorizing the provision of Pay Telephone service.
Goodman has not paid the Regulatory Assessment Fees [RAF(s)]
required by Section 364.336, Florida Statutes, and Rule 25-4.0161,
Florida Administrative Code, for the year 1999. Also, accrued
statutory penalties and interest charges for the year 1999 have not
been paid.

Pursuant to Section 364.336, Florida Statutes, certificate
holders must pay a minimum annual RAF of \$50 if the certificate was

DOCUMENT NUMBER-DATE

14360 NOV-78

FPSC-RECORDS/REPORTING

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 Pay Telephone 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 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. Goodman was scheduled to remit its RAFs by January 31, 2000.

Although the company did return the 1999 RAF Notice, it did not send a check for the minimum amount due. After a delinquent notice had been mailed to the company, staff wrote and explained that a voluntary cancellation could not be recommended when there was an outstanding balance. The company's owner, Mr. Barney F. Goodman, called staff and advised that he could not afford to pay the outstanding fees after losing so much money in this business venture. As of September 27, 2000, the company has not paid the 1999 RAF, including statutory penalty and interest charges, or advised when the 2000 fee would be paid.

Goodman 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.

ORDER NO. PSC-00-2111-PAA-TC
DOCKET NO. 001129-TC
PAGE 3

(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, Goodman is responsible for the RAFs. As of the date of this vote, Goodman continues to be in violation of our rules for non-payment of RAFs for 1999.

For the reasons described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we deny Goodman's request for voluntary cancellation of Pay Telephone Certificate No. 6084 for failure to comply with the provisions of Rule 25-24.514(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel Goodman's certificate, effective on the date of issuance of the Consummating Order, for failure to pay RAFs pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. Goodman shall return to this Commission the Order granting authority to provide Pay Telephone services.

Since Goodman is no longer in business, there would be no purpose in requiring Goodman to pay a fine. By involuntarily canceling Goodman's certificate, however, we would be able to track this company should it apply for another certificate with us in the future. The cancellation of the certificate and the closing of the Docket in no way diminishes Goodman's obligation to pay applicable delinquent RAFs, statutory penalties, and interest charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby deny BF Goodman's request for voluntary cancellation of Pay Telephone Certificate No. 6084. It is further

ORDERED that pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we hereby cancel BF Goodman's Pay Telephone Certificate No. 6084, effective on the date of issuance of the Consummating Order, for failure to comply with Rule 25-24.514(2), Florida Administrative Code; Section 364.336, Florida Statutes; and Rule 25-4.0161, Florida Administrative Code. It is further

ORDER NO. PSC-00-2111-PAA-TC
DOCKET NO. 001129-TC
PAGE 4

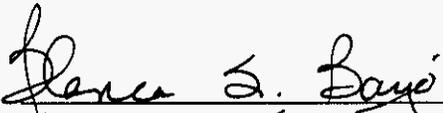
ORDERED that BF Goodman shall return to this Commission the Order granting authority to provide Pay Telephone services. It is further

ORDERED that BF Goodman remains obligated for all due and owing Regulatory Assessment Fees for the year 1999, as well as accrued statutory penalties and interest charges. 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 or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 7th day of November, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MLD

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,

ORDER NO. PSC-00-2111-PAA-TC
DOCKET NO. 001129-TC
PAGE 5

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 November 28, 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.