

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 3457  
issued to Three Rivers Phone  
Corp. for violation of Rule No.  
25-4.0161, F.A.C., Regulatory  
Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 000928-TC  
ORDER NO. PSC-00-2214-AS-TC  
ISSUED: November 21, 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

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Three Rivers Phone Corp. (Three Rivers) currently holds Certificate of Public Convenience and Necessity No. 3457, issued by the Commission on October 19, 1993, authorizing the provision of pay telephone service. Three Rivers 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 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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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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. Three Rivers was scheduled to remit its RAFs by January 31, 2000.

However, after the docket was opened, Three Rivers contacted our staff and advised that the company had filed the 1999 RAF return on January 28, 2000. She stated that the company wished to keep its certificate active and resolve this docket. On September 5, 2000, the Commission received the company's check for the past due RAF, including penalty and interest, and a letter which advised a settlement offer would be submitted. On September 25, 2000, Order No. PSC-00-1707-PAA-TC was issued, imposing a \$500 fine or canceling the company's certificate. On September 29, 2000, a settlement proposal was received and an amended settlement proposal for \$200 was received on October 13, 2000.

Due to the extenuating circumstances, we find that Three Rivers should be allowed to comply with Commission rules and that it would serve no purpose to fine Three Rivers. Accordingly, we hereby accept the terms of Three Rivers's settlement agreement.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Three Rivers Phone Corp.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission this 21st  
day of November, 2000.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

JAE

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,

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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.