

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3756
issued to Carib Comm, L.P. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 001655-TC
ORDER NO. PSC-01-0165-PAA-TC
ISSUED: January 22, 2001

The following Commissioners participated in the disposition of
this matter:

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

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.

Carib Comm, L.P. (Carib Comm) currently holds Certificate of
Public Convenience and Necessity No. 3756, issued by the Commission
on May 19, 1994, authorizing the provision of Pay Telephone
service. Carib Comm has not paid the Regulatory Assessment Fees
(RAFs) 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 years 1995
and 1999 had not been paid.

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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.

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. Carib Comm was scheduled to remit its RAFs by January 31, 2000.

On March 30, 2000, we received a letter from the Carib Comm, which responded to the Show Cause Order in Docket No. 000034-TI. Carib Comm requested cancellation of its interexchange telecommunications and pay telephone certificates. Our staff wrote to Carib Comm, on July 11, 2000, and advised that before they could recommend a voluntary cancellation, it needed to pay the past due penalty and interest charges for 1995 and 1999, and provide a date certain the 2000 fee would be paid.

Carib Comm 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.

(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-

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24.514(2), Florida Administrative Code, or we involuntarily cancel the certificate, Carib Comm is responsible for the RAFs. As of the date of this vote, Carib Comm continues to be in violation of our rules for non-payment of RAFs for 1999, and statutory penalties and interest charges for the years 1995 and 1999.

For the reasons described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we deny Carib Comm's request for voluntary cancellation of Pay Telephone Certificate No. 3756 for failure to comply with the provisions of 25-24.514(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel Carib Comm's certificate, effective 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, and the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. Carib Comm shall return to this Commission the Order granting authority to provide Pay Telephone services.

Since Carib Comm no longer wants to be in business, there would be no purpose in requiring Carib Comm to pay a fine. By involuntarily canceling Carib Comm'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 Carib Comm'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 Carib Comm, L.P.'s request for voluntary cancellation of Pay Telephone Certificate No. 3756. It is further

ORDERED that pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we hereby cancel Carib Comm, L.P.'s Pay Telephone Certificate No. 3756, effective 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

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ORDERED that Carib Comm, L.P. shall return to this Commission the Order granting authority to provide Pay Telephone services. It is further

ORDERED that the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. 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 22nd day of January, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP

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 February 12, 2001.

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.