

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 6050
issued to Linda J. Terry for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 001113-TC
ORDER NO. PSC-01-0202-FOF-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

ORDER RENDERING ORDER NO. PSC-00-1794-PAA-TC
FINAL AND CLOSING DOCKET

BY THE COMMISSION:

Linda J. Terry currently holds Certificate of Public
Convenience and Necessity No. 6050, issued by the Commission on
April 20, 1999, authorizing the provision of Pay Telephone service
(PATS).

The Division of Administration advised our staff by memorandum
that Linda J. Terry 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 year 1999. Also,
accrued statutory penalties and interest charges for the year 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

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Commission by January 30 of the subsequent year. All entities that apply for certification receive a copy of our rules governing PATS service.

Therefore, by Order No. PSC-00-1794-PAA-TC issued on October 2, 2000, we imposed a \$500 fine and or canceled the certificate 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-00-1794-PAA-TC was never consummated because Ms. Linda Terry responded to the Order on October 9, 2000. Ms. Terry indicated that she had not been in business since June 1999 and did not know she had to notify the Commission and request cancellation of the certificate.

On October 11, 2000, staff wrote Ms. Terry and explained that the regulatory assessment fee is due on each certificate even if a company never went into business or had any revenues. Staff advised that before a voluntary cancellation could be recommended, the company needed to pay the 1999 RAF, along with the 1999 statutory penalty and interest charges, and either pay the 2000 fee or provide a date certain the fee would be paid. As of December 13, 2000, the Commission has not heard from Ms. Terry.

We note that Linda J. Terry's response to the Commission's Proposed Agency Action Order did not comply with Rule 28-106.201, Florida Administrative Code, and did not request a hearing. Instead, the company simply advised that it did not know it had to notify the Commission to request cancellation of a certificate. Therefore, for the reasons described above, we find it appropriate to render Order No. PSC-00-1794-PAA-TC a Final Order.

In addition, under Section 364.336, Florida Statutes, certificate holders are responsible for RAFs if the certificate was active during any portion of the calendar year. A RAF return notice for the year 2000 has been mailed to the company. Neither the cancellation of its certificate nor the failure to receive its RAF return notice for the year 2000 shall relieve Linda J. Terry from the obligation to pay the RAF for the year 2000.

If Linda J. Terry fails to pay in full the required fees, including statutory penalty and interest charges, within five

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business days of the issuance of this Order, Linda J. Terry's Certificate No. 6050 will be canceled effective October 9, 2000 and in accordance with Order No. PSC-00-1794-PAA-TC. Whether or not Linda J. Terry pays the required fine, this docket shall be closed upon the expiration of the five business days as no further action by the Commission is required. If Linda J. Terry fails to pay the 1999 RAFs, plus the 1999 statutory penalty and interest charges, the unpaid fees should be forwarded to the Office of the Comptroller for further collection efforts. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-00-1794-PAA-TC is hereby rendered final and effective as of the date of the issuance of this Order. It is further

ORDERED that Linda J. Terry must pay a \$500 fine as required by Order No. PSC-00-1794-PAA-TC, within five business days of issuance of this order. It is further

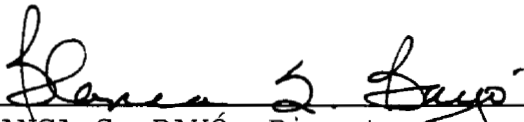
ORDERED that should Linda J. Terry not pay the required \$500 fine, the 1999 RAFs and the statutory penalty and interest charges for 1999, the unpaid fees shall be forwarded to the Office of the Comptroller for further collection. It is further

ORDERED that should Linda J. Terry fail to comply with this Order, Linda J. Terry's Certificate No. 6050 shall be canceled administratively, and this docket shall be closed. It is further

ORDERED that this docket shall be closed five business days from the issuance date of this Order.

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By ORDER of the Florida Public Service Commission this 22nd
day of January, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.