

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4525
issued to Public Communications
Systems, Inc. for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 001657-TC
ORDER NO. PSC-01-0208-PAA-TC
ISSUED: January 23, 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.

Public Communications Systems, Inc. (PCS) currently holds
Certificate of Public Convenience and Necessity No. 4525, issued by
the Commission on February 27, 1996, authorizing the provision of
Pay Telephone service. PCS 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 years 1998
and 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

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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 the 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.

On August 24, 2000, we received a letter from the company requesting cancellation of its certificate. Our staff wrote to the company on August 25, 2000 and explained that a voluntary cancellation could not be recommended when there was an outstanding balance.

PCS 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 canceled.

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, PCS is responsible for the RAFs. As of the date of this vote, PCS continues to be in violation of our rules for non-payment of past due penalties and interest for 1998 and 1999 and has not provided a statement of intent and date to pay the 2000 Regulatory Assessment Fee.

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For the reasons described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we deny PCS's request for voluntary cancellation of Pay Telephone Certificate No. 4525 for failure to comply with the provisions of 25-24.514(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel PCS's certificate, effective upon the issuance of a 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 past due fees shall be referred to the Office of the Comptroller for further collection efforts. PCS shall return to this Commission the Order granting authority to provide Pay Telephone service.

Since PCS is no longer in business, there would be no purpose in requiring PCS to pay a fine. By involuntarily canceling PCS'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 PCS's obligation to pay applicable delinquent RAFs, statutory penalties, and interest charges. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336 and 364.285.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby deny Public Communications Systems, Inc.'s request for voluntary cancellation of Pay Telephone Certificate No. 4525. It is further

ORDERED that pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we hereby cancel Public Communications Systems, Inc.'s Pay Telephone Certificate No. 4525, effective upon the issuance of a 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

ORDERED that Public Communications Systems, Inc. shall return to this Commission the Order granting authority to provide pay telephone services. It is further

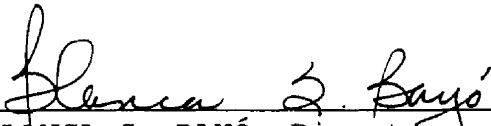
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ORDERED that the collection of the past dues and fees shall be referred to the Office of the Comptroller for further collection efforts. It is further

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 23rd 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 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 13, 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.