

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4999
issued to Erazo Telcomm Inc. for
violation of Rule No. 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 000996-TC
ORDER NO. PSC-01-0218-FOF-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

ORDER CANCELLING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAF) of \$50 if the certificate was active during any portion of the calendar year. The RAFs form was mailed to Erazo Telcomm. Inc for the period of January 1 through December 31. 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. 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. Erazo Telcomm Inc. was due to remit its RAFs by January 31, 2000. On October 2, 2000, Order No. PSC-00-1800-PAA-TC was issued against Erazo Telcomm Inc, which imposed a \$500 fine for non payment of the 1999 RAF, plus statutory penalty and interest charges.

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After the Order was issued, staff received a letter from Mr. Erazo dated October 13, 2000 which advised that he was no longer in business. On the same day the company paid the past due amounts in full, including statutory penalties and interest charges, and requested voluntary cancellation of Pay Telephone Certificate No. 4999. Accordingly, we find it appropriate to cancel the certificate, effective on October 13, 2000. Erazo Telecomm, Inc. shall return to this Commission the Order granting authority to provide Pay Telephone service.

In addition, a RAFs Return notice for the year 2000 has been mailed to the company. Neither the cancellation of its certificate nor the failure to receive the RAF Return notice for the year 2000 shall relieve the company from its obligation to pay the RAF for the year 2000.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Erazo Telecomm Inc.'s Certificate No. 4999 to provide Pay Telephone service is hereby canceled, effective October 13, 2000. It is further

ORDERED that Erazo Telecomm Inc. shall return to this Commission the Order granting authority to provide services and remit Regulatory Assessment Fees for the year 2000.

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission this 23rd
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)

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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

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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.