

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3238
issued to First Tele
Communications Services, Inc.
for violation of Rules 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies,
and 25-24.520, F.A.C., Reporting
Requirements.

DOCKET NO. 000917-TC
ORDER NO. PSC-01-0747-FOF-TC
ISSUED: March 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 RENDERING ORDER NO. PSC-00-1721-PAA-TC
FINAL AND CLOSING DOCKET

BY THE COMMISSION:

First Tele Communications Services, Inc. (First Tele)
currently holds Certificate of Public Convenience and Necessity No.
3238, issued on December 24, 1992, authorizing the provision of Pay
Telephone service (PATs).

On May 18, 1999, the Division of Administration wrote First
Tele and advised the company that its check for the 1998 Regulatory
Assessment Fees (RAFs) had been returned and to repay the past due
amount, along with the returned check charge. Also, accrued
statutory penalties and interest charges for late RAFs payments for
the years 1998 and 1999 had not been paid.

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On March 25, 1999, First Tele mailed its check for the 1998 Regulatory Assessment Fee (RAF), including penalty and interest charges. On April 23, 1999, First Tele's check was returned by its bank for insufficient funds. On May 18, 1999, the Division of Administration wrote First Tele and advised that its check had been returned and to repay the past due amount owed, along with the check charge. On December 8, 1999, the 1999 RAF Notice was mailed to the company. On February 29, 2000, Division of Administration mailed the delinquent notice for 1999 RAFs. On March 29, 2000, the U.S. Postal Service (USPS) returned mail addressed to the company stamped "forwarding time expired."

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 the 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 PATs 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 the payment of the fee is due. First Tele has been given adequate opportunity to pay.

Therefore, by Order No. PSC-00-1721-PAA-TC, issued on September 25, 2000, we imposed a fine total \$1000 fine or canceled company's certificate for violation of Rule 25-4.0161, Florida Administrative Code, Section 364.336, Florida Statutes, and violation of Rule 25-24.520, Florida Administrative Code. Failure to comply or protest the Order would result in the cancellation of its certificate. Order No. PSC-00-1721-PAA-TC was never consummated because First Tele responded to the Order on October 20, 2000. In First Tele's response letter to the PAA Order, Mr. Bahram Yousefizadeh, President of First Tele, stated that due to the extenuating circumstances concerning the health problems he had experienced and hospitalization, he needed a few days to put together his explanation of what had transpired. He also provided this Commission with the company's new address and phone number. On October 20, 2000, this Commission received the company's payment

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for the 1998 and 1999 RAFs, including all except \$10.00 of the penalty and interest charges.

On December 8, 2000, the 2000 RAF Notice was mailed to the company's new address it had provided to our staff on October 17, 2000. On December 19, 2000, the USPS returned the RAF Notice stamped "attempted, not know." Payment for the 2000 RAFs was due by January 30, 2001. As of February 13, 2000, the company had not paid the past due penalty and interest balance or the 2000 RAF, including statutory penalty and interest charges.

We note that First Tele did not file a timely response to the Commission's Proposed Agency Action as required by Rule 28-106.201, Florida Administrative Code, and did not request a hearing. Instead, the company advised that it needed additional time to respond. Since the October 20, 2000 letter and payment, Mr. Yousefizadeh has not recontacted staff, paid the balance of the penalty and interest charges, or paid the \$15.00 returned check charge. Further, First Tele also has a history of late payments.

Therefore, for the reasons described above, we find it appropriate to render Order No. PSC-00-1721-PAA-TC a Final Order. If First Tele fails to pay in full the required fees, including statutory penalty and interest charges, within five business days of the issuance of this Order, First Tele's Certificate No. 3238 shall be canceled effective October 16, 2000, and in accordance with Order No. PSC-00-1721-PAA-TC. Whether or not First Tele pays the required fine, this docket shall be closed upon expiration of the five business days as no further action by the Commission is required. If First Tele fails to pay 2000 RAFs, including penalty and interest charges for 1998, 1999 and 2000, the unpaid fees should be forwarded to the Office of Comptroller for further collection efforts. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285 and 364.3375, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-00-1721-PAA-TC is hereby rendered final and effective as of the date of the issuance of this Order.

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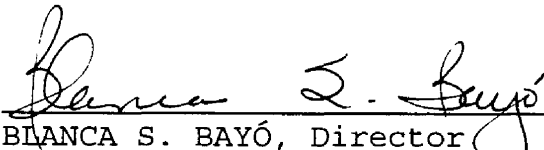
ORDERED that First Tele Communications Services, Inc. must pay a \$1000 fine, as required by Order No. PSC-00-1721-PAA-TC, within five business days of the issuance of this Order. It is further

ORDERED that should First Tele Communications Services, Inc. not pay the required \$1000 fine, and the 2000 RAFs and the statutory penalty and interest charges for 1998, 1999 and 2000, the unpaid fees shall be forwarded to the Office of Comptroller for further collection. It is further

ORDERED that should First Tele Communications Services, Inc. fail to comply with this Order, First Tele Communications Services, Inc.'s Certificate No. 3238 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 of this Order.

By ORDER of the Florida Public Service Commission this 23rd day of March, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

FRB

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

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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.