

STATE OF FLORIDA

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DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

May 10, 2001

Ms. Bonnie Gilliams, Vice President
Sharky's Draft House, Inc.
1623 North US 1, Suite A-5
Sebastian, FL 32958-3879

Re: Docket No. 010442-TC

Dear Ms. Gilliams:

On May 4, 2001, the Commission received payment of the past due amount in full, along with your request that the fine be waived. Unfortunately, I cannot recommend acceptance of your settlement. If you wish to keep your certificate active, you have two options. One is to pay the \$500 fine that is normally imposed for violation of Rule 25-4.0161, Florida Administrative Code. The other is to amend your settlement to include the following three elements:

- 1) Provide the Commission with the steps taken to prevent reoccurrence of this rule violation;
- 2) Provide the Commission with the waiver of objection statement (as outlined in my April 26 letter to you); and
- 3) Propose a specific settlement amount.

Although I cannot tell you an amount to offer, I can tell you that in other similar dockets for the same rule violation, the Commission has accepted settlements between \$100 and \$500.

Since you stated in your letter that you are having financial difficulties, you may want to consider requesting a voluntary cancellation. If you choose this option (voluntary cancellation), you need to write the Commission a letter and request voluntary cancellation and either pay the 2001 Regulatory Assessment Fee (\$50 minimum since you stated you do not have any revenues) or provide a date certain that the fee will be paid, such as 30 days after the Order granting the cancellation is issued. If the 2001 fee is paid or you provide a date certain it will be paid and write a letter requesting cancellation, staff would not recommend that the \$500 fine be imposed. You would then be able to apply for a new payphone certificate at a later date if you decided to get back into the payphone business. If you need the 2001 form, let me know.

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On the other hand, if the Commission cancels your certificate on its own motion (involuntary cancellation), Rule 25-24.511(5), Florida Administrative Code, prohibits a new certificate from being granted to any applicant who previously had a certificate involuntarily cancelled.

Please review this information and let me know what your decision is by May 25, 2001. If you wish to discuss this or have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and via internet e-mail at pisler@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Paula J. Isler". The signature is written in a cursive style with a large initial "P" and a stylized "I".

Paula J. Isler, Research Assistant
Bureau of Service Quality

cc: Docket No. 010442-TC
Division of Legal Services (Elliott)