

STATE OF FLORIDA

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

Public Service Commission

June 15, 2001

Mr. James Paul Elliott
3614 West Cleveland Street
Tampa, FL 33609-2811

Re: Docket No. 010484-TC

Dear Mr. Elliott:

On May 1, 2001, I received a telephone call advising that you no longer had any payphones and wanted to cancel your certificate. I was advised a letter requesting cancellation would be written and payment of the 2000 and 2001 RAFs sent. As of this date, the Commission has not received either.

Please let me hear from you by July 2, 2001 and let me know how you wish to proceed. If you do not respond by July 2, it is my intention to go forward with a recommendation to fine you \$1,000 for violation of Rule 25-4.0161, Florida Administrative Code. Any unpaid balance will be turned over to the Comptroller's Office for further collection efforts. If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, by internet e-mail at pisler@psc.state.fl.us, or at the address below.

Sincerely,

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

cc: Docket No. 010484-TC
Division of Legal Services (K. Peña)

DOCUMENT NUMBER - DATE
07490 JUN 15 01
FPSC-RECORDS/REPORTING

James Paul Elliott (TF768)
Certificate No. 4905, Effective 08/10/96
Docket No. 010484-TC

Year	Fee	Penalty	Interest	Notes
2000	\$50.00	\$12.50	\$2.50	<p>Payment was due 01/30/01, and remains unpaid as of 06/15/01. The amount shown to the left is the amount due IF payment is postmarked by 06/29/01.</p> <p>If payment is postmarked between 06/30/01 and 07/29/01, the interest increases to \$3.00, for a 2000 total of \$65.50.</p>
2001	\$50.00	n/a	n/a	<p>Payment is due 01/30/02. Company must either pay the 2001 fee or provide a date certain it will be paid.</p>
Total	\$100.00	\$12.50	\$2.50	<p>Total if payment is postmarked by 06/29/01: \$115.00.</p> <p>Total if payment is postmarked between 06/30/01 and 07/29/01: \$115.50.</p>

CANCELLATION OF THE CERTIFICATE

- **Voluntary Cancellation** - In order to be granted a voluntary cancellation, the company must: 1) write a letter requesting cancellation of the certificate and explain why (such as no longer in the payphone business); 2) pay all past due charges in full; and 3) pay the 2001 Regulatory Assessment Fee (RAF) or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling the certificate).
- **Involuntary Cancellation** - If the company does nothing to resolve this docket, the certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection. In addition, Rule 25-24.511(5), F.A.C., states that "Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled." This means that if the company chooses this option, it could not reapply for a new certificate at a later date.

TO KEEP THE CERTIFICATE ACTIVE

- Pay the past due RAF amount in full, including statutory penalty and interest charges, plus the fine imposed, after the Order is issued and the certificate will remain active. Just paying the past due amount will not prevent your certificate from being cancelled.
- Propose a settlement - All settlements must include the following elements:
 - 1) Docket number;
 - 2) A check for the past due amount in full. It should be noted that just paying the past due amount will not prevent your certificate from being cancelled;
 - 3) A statement that the company has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
 - 4) A waiver of objection, which should state: The company agrees to waive any objection to the administrative cancellation of its certificate should it fail to pay in accordance with its settlement offer. If, however, there is a factual dispute as to the manner or level of compliance with any provision in the settlement, Commission staff will bring the matter to the Commission for consideration; and
 - 5) Make a specific monetary settlement.
- Any settlement offer/correspondence should be addressed to Ms. Blanca Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 10 business days after the Commission Order is issued.