

RAF and to contact staff if it was interested in resolving this docket.

- **04/26/01** - The Commission received payment of the 2000 RAF. The company reported no revenues for the period ended December 31, 2000. In addition, Ms. Perry wrote a letter that stated she had called the Commission in February requesting cancellation of her certificate.
- **05/03/01** - Staff wrote the company and explained that in order to be granted a voluntary cancellation, the past due penalty and interest charges for the years 1998, 1999, and 2000 must be paid. In addition, the company would either need to pay the 2001 RAF or provide a date certain when it will be paid.
- **05/16/01** - The Commission received payment of the past due penalty and interest charges, along with a letter that advised the phones had lost money, were out of order for nine months, and that she closed down September 2000.
- **05/29/01** - Staff wrote the company and explained that a certificate remains active until the Commission receives a written request to cancel the certificate.
- **06/05/01** - The Commission received Ms. Perry's response, which again advised that she had called the Commission in February and advised that she was out of business.
- **06/19/01** - As of this date, the company has not paid the 2001 RAF or provided a date certain when the 2001 RAF would be paid in compliance with Rule 25-24.514, Florida Administrative Code.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Nancy Lynn Perry a voluntary cancellation of Certificate No. 5476?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 5476 on its own motion, effective April 26, 2001. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of regulatory assessment fees by January 30, or the next business day, of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

Staff has had several contacts with Ms. Nancy Lynn Perry concerning the cancellation of her pay telephone certificate and payment of the RAF. Rule 25-24.514(2)(a) and (b), Florida Administrative Code, 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 cancelled.

Although Ms. Perry has paid the past due amount in full, including statutory penalty and interest charges, Ms. Perry has not complied with Rule 25-24.514, Florida Administrative Code, by providing the date the 2001 RAF will be paid.

Accordingly, the Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 5476 on its own motion, effective April 26, 2001.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the Proposed Agency Action Order. The docket should then be closed upon cancellation of the certificate. (K. Peña; B. Keating)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a Proposed Agency Action Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon the issuance of a Consummating Order and upon cancellation of the certificate.

