

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of PATS Certificate No. 2325 issued to Michael Anthony Holoday d/b/a Atlantic & Gulf Communications for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 010414-TC

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3750 issued to Sharky's Draft House, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

DOCKET NO. 010442-TC

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3873 issued to J.C. Vending, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

DOCKET NO. 010447-TC
ORDER NO. PSC-01-1524-AS-TC
ISSUED: July 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

DOCUMENT NUMBER DATE

08921 JUL 23 01

FPSC-COMMISSION CLERK

ORDER APPROVING SETTLEMENTS

BY THE COMMISSION:

The entities listed below had not paid the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the years specified below. Also, accrued statutory penalties and interest charges had not been paid.

ENTITY'S NAME	CERTIFICATE NO.	PAST DUE RAFS	PAST DUE PENALTIES AND INTEREST
Michael Anthony Holoday d/b/a Atlantic & Gulf Communications	2325	2000	1992 1998 2000
Sharky's Draft House, Inc.	3750	2000	1994 1996 1999 2000
J.C. Vending, Inc.	3873	2000	1995 1996 2000

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFs of \$50 if the certificate was active during any portion of the calendar year. 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. 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 entities at least 45 days prior to the date that payment of the fee is due.

After this docket was opened, each of the entities contacted our staff, paid the past due amounts in full, and proposed a settlement offer. Each of the entities proposed to pay future RAFs

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in a timely manner, and contribute \$100 to the State General Revenue Fund.

We believe that the terms of the settlement agreements represent fair and reasonable resolutions of these matters. Accordingly, we hereby accept the settlement offers. Each of the entities must comply with these requirements within ten business days from the date this Order becomes final. The contributions should be identified with the docket number and the entity's name. The contributions will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Each entity has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of each of the \$100 contribution, each docket shall be closed. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.3375, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities' settlement proposals set forth in the body of this Order is hereby approved. It is further

ORDERED that each docket shall remain open pending receipt of the \$100 contribution. The contributions will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if an entity fails to comply with this Order, its Pay Telephone Certificate will be canceled administratively. It is further

ORDERED that upon receipt of each of the \$100 contribution or cancellation of the certificate, each docket shall be closed.

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By ORDER of the Florida Public Service Commission this 23rd
Day of July, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

JAE

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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and

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Administrative Services 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.