

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 5448  
issued to Mr. James G. Donker  
and Tammy R. Donker d/b/a Don-  
Tel for violation of Rule 25-  
4.0161, F.A.C., Regulatory  
Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 010509-TC  
ORDER NO. PSC-01-1633-FOF-TC  
ISSUED: August 10, 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 GRANTING VOLUNTARY CANCELLATION OF  
PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

Mr. James G. Donker and Tammy R. Donker d/b/a Don-Tel (Don-Tel) currently holds Certificate of Public Convenience and Necessity No. 5448, issued by the Commission on October 7, 1997, authorizing the provision of pay telephone service. The Division of Administration advised our staff by memorandum that Don-Tel had not paid the 2000 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2000 had not been paid. Don-Tel was scheduled to remit its RAFs by January 30, 2001.

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 Rule 25-4.0161 (2), Florida Administrative Code, the form and applicable

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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 pay telephone service.

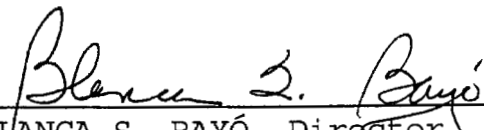
After the dockets were opened, we contacted Don-Tel and explained that a docket had been established and to contact staff if the company was interested in resolving the docket. Don-Tel has since paid the 2000 and 2001 RAFs, including accrued statutory penalties and interest charges and requested voluntary cancellation of its certificate. Accordingly, we find it appropriate to cancel pay telephone Certificate No. 5448, effective April 27, 2001. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Mr. James G. Donker and Tammy R. Donker d/b/a Don-Tel's Certificate No. 5448 to provide pay telephone services is hereby canceled, effective April 27, 2001. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 10th Day of August, 2001.

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