

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 1760
issued to Protel, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 010412-TC
ORDER NO. PSC-01-1702-AS-TC
ISSUED: August 21, 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 APPROVING SETTLEMENT

BY THE COMMISSION:

Protel, Inc. (Protel) obtained Certificate No. 1760 on
November 25, 1987, to provide pay telephone service. Protel 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. RAFs are required by Section
364.336, Florida Statutes, and Rule 25-4.0161, Florida
Administrative Code.

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 pay telephone
service.

DOCUMENT NUMBER-DATE

10330 AUG21 01

FPSC-COMMISSION CLERK

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. Protel was scheduled to remit its RAFs by January 30, 2001.

After this docket was opened, on April 25, 2001, Betty Sohlberg, representative of Protel, called our staff and advised that the past due amount would be paid, and Protel would propose a settlement offer. On July 2, 2001, we received the 2000 RAFs, including accrued statutory penalties and interest charges, and a settlement proposal. Protel offered to contribute \$500 to the State General Revenue Fund, and proposed to pay future RAFs on a timely basis.

This is the second docket established for Protel for the same rule violation. In Docket No. 981201-TC, Order No. PSC-99-0307-FOF-TC was issued on February 16, 1999, which accepted Protel's \$100 settlement and its proposal to pay future RAFs on a timely basis. The company paid the past due amount and settlement amount and the docket was closed.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. Protel must comply with these requirements within ten business days from the date this Order becomes final. The contribution should be identified with the docket number and the company name. Upon timely receipt, the contribution 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. Protel has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of the \$500 contribution or cancellation of the certificate, this 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

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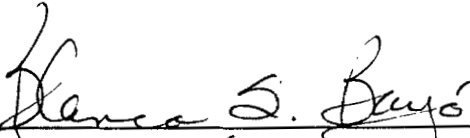
ORDERED by the Florida Public Service Commission that Protel, Inc.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$500 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if Protel, Inc. fails to comply with this Order, its certificate will be canceled administratively. It is further

ORDERED that upon receipt of the \$500 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st Day of August, 2001.



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

(S E A L)

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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.