

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4905
issued to James Paul Elliott for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees, Telecommunications
Companies.

DOCKET NO. 010484-TC
ORDER NO. PSC-01-1713-FOF-TC
ISSUED: August 22, 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:

James Paul Elliott (Mr. Elliott) currently holds Certificate of Public Convenience and Necessity No. 4905, issued by the Commission on August 10, 1996, authorizing the provision of Pay Telephone service. The Division of Administration advised our staff by memorandum that Mr. Elliott had not paid the 2000 Regulatory Assessment Fees (RAFTs). Also, accrued statutory penalties and interest charges for late RAFTs payments for the year 2000 had not been paid. Mr. Elliott was scheduled to remit his RAFTs by January 30, 2001.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFT 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

DOCUMENT NUMBER-DATE
10360 AUG 22 2001
FPSC-COMMISSION CLERK

ORDER NO. PSC-01-1713-FOF-TC
DOCKET NO. 010484-TC
PAGE 2

of the subsequent year. All entities that apply for certification receive a copy of our rules governing Pay Telephone service.

After the docket was opened, our staff wrote to Mr. Elliott and explained that a docket had been established and to contact our staff if he was interested in resolving the matter. Mr. Elliott has since paid the 2000 RAFs, including accrued statutory penalties and interest charges and requested voluntary cancellation of his certificate. Accordingly, we find it appropriate to cancel Pay Telephone Certificate No. 4905, effective May 21, 2001. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

In addition, under 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. A RAFs Return notice for the year 2001 will be mailed to Mr. Elliott. Neither the cancellation of his certificate nor the failure to receive a RAFs Return notice for the year CURRENT YEAR shall relieve Mr. Elliott from his obligation to pay RAFs for the year 2001.

Based on the foregoing, it is

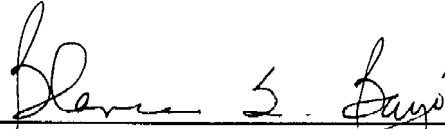
ORDERED by the Florida Public Service Commission that James Paul Elliott's Certificate No. 4905 to provide Pay Telephone services is hereby canceled. It is further

ORDERED that James Paul Elliott shall remit Regulatory Assessment Fees for the year 2001. It is further

ORDERED that this Docket is closed.

ORDER NO. PSC-01-1713-FOF-TC
DOCKET NO. 010484-TC
PAGE 3

By ORDER of the Florida Public Service Commission this 22nd
Day of August, 2001.



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

(S E A L)

KMP

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

ORDER NO. PSC-01-1713-FOF-TC
DOCKET NO. 010484-TC
PAGE 4

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.