

SCANNED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6016 issued to Alex I. Burney d/b/a Excellent Telecommunications for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

DOCKET NO. 010556-TC
ORDER NO. PSC-01-1719-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:

Alex I. Burney d/b/a Excellent Telecommunications (Excellent Telecommunications) currently holds Certificate of Public Convenience and Necessity No. 6016, issued by the Commission on March 2, 1999, authorizing the provision of Pay Telephone service. The Division of Administration advised our staff by memorandum that Excellent Telecommunications 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. Excellent Telecommunications 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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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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.

On May 8, 2001, our staff wrote to Excellent Telecommunications and explained that a docket had been established for nonpayment of the RAFs and to contact our staff for options. Excellent Telecommunications has since paid the 2000 RAFs, including accrued statutory penalties and interest charges, the 2001 RAFs, and requested voluntary cancellation of its certificate. Accordingly, we find it appropriate to cancel Pay Telephone Certificate No. 6016, effective May 31, 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 Alex I Burney d/b/a Excellent Telecommunications' Certificate No. 6016 to provide Pay Telephone services is hereby canceled. It is further

ORDERED that this Docket is closed.

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

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