

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 7356  
issued to Michael R. Kraus d/b/a  
M.C. Communications for  
violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 010611-TC  
ORDER NO. PSC-01-2428-FOF-TC  
ISSUED: December 12, 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:

Michael R. Kraus d/b/a M.C. Communications (M.C. Communications) currently holds Certificate of Public Convenience and Necessity No. 7356, issued by the Commission on March 17, 2000, authorizing the provision of Pay Telephone service. The Division of the Commission Clerk and Administrative Services advised our staff that M.C. Communications 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 year 2000. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2000 had not been paid. M.C. Communications 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

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

After our staff filed its recommendation, but before we considered the recommendation at Agenda, M.C. Communications paid the past due amount and requested voluntary cancellation of its certificate. However, due to the timing of the payment and the internal routing of the request, staff assigned to this case were not aware of it until after we had voted. Order No. PSC-01-1710-PAA-TC was issued on August 21, 2001, to reflect our vote. It was anticipated by our staff that M.C. Communications' request for cancellation could be treated as a protest to the Order. However, because M.C. Communications's payment and request were received prior to our vote, we believe that vacating, in part, that decision would be more appropriate.

Accordingly, we find it appropriate to vacate, in part, Order No. PSC-01-1710-PAA-TC, in regards to M.C. Communications, and cancel Pay Telephone Certificate No. 7356, effective August 10, 2001. We are 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 M.C. Communications. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice for the year 2001 shall relieve M.C. Communications from its obligation to pay RAFs for the year 2001.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Michael R. Kraus d/b/a M.C. Communications' Certificate No. 7356 to provide

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Pay Telephone services is hereby canceled, effective August 10, 2001. It is further

ORDERED that Michael R. Kraus d/b/a M.C. Communications shall remit Regulatory Assessment Fees for the year 2001. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 12th Day of December, 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)

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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.