

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of IXC
certificates for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

No. 2704 Phone Plus, Inc.

DOCKET NO. 020764-TC

No. 3715 Tel Call

DOCKET NO. 020770-TC

Communication, Inc.

No. 4172 Laurstar

DOCKET NO. 020777-TC

Telecommunications, Inc.

No. 4323 I P P S of Orlando,
Inc.

DOCKET NO. 020778-TC

No. 4551 John McDermott

DOCKET NO. 020779-TC

No. 5543 Colonial Systems, Inc.

DOCKET NO. 020783-TC

No. 6047 Victory Financial
Group, Inc.

DOCKET NO. 020793-TC

No. 7212 Cybertex Computer,
Inc. d/b/a CTX
payphone Company

DOCKET NO. 020796-TC

ORDER NO. PSC-02-1538-PAA-TC

ISSUED: November 12, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman

J. TERRY DEASON

BRAULIO L. BAEZ

MICHAEL A. PALECKI

RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION

ORDER IMPOSING PENALTIES, REQUIRING PAYMENT OF DELINQUENT
REGULATORY ASSESSMENT FEES, OR CANCELLING PAY TELEPHONE
CERTIFICATES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are

DOCUMENT NUMBER DATE

12322 NOV 12 02

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-1538-PAA-TC

DOCKET NO. 020764-TC, 020770-TC, 020777-TC, 020778-TC, 020779-TC,
020783-TC, 020793-TC, 020796-TC

PAGE 2

substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Each of the companies listed on Attachment A, incorporated herein by reference, have not paid their 2001 Regulatory Assessment Fees (RAFs), plus statutory penalty and interest charges. This is the second docket opened against each company for nonpayment of the RAF. In each of the prior dockets, the companies listed on Attachment A either paid a penalty or settlement amount to resolve the dockets. Therefore, it appears the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code, and have not requested cancellation of their respective certificates in compliance with Rule 25-24.514, Florida Administrative Code. The penalty amount recommended in these dockets is consistent with amounts imposed for recent, similar violations. Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the year of cancellation.

Accordingly, we find it appropriate to assess a \$1,000 penalty or cancel each company's respective certificate as listed on Attachment A for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.505, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If a company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, that company's certificate, as listed on Attachment A, should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If a company's certificate, as listed on Attachment A, is cancelled in

ORDER NO. PSC-02-1538-PAA-TC

DOCKET NO. 020764-TC, 020770-TC, 020777-TC, 020778-TC, 020779-TC,
020783-TC, 020793-TC, 020796-TC

PAGE 3

accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing pay telephone services in Florida.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed on Attachment A, incorporated herein by reference, shall pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$1,000 penalty to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code, within 14 days after the issuance of the Consummating Order. The penalties will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's certificate shall be canceled, effective on the date of issuance of the Consummating Order; the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts; and the respective docket shall be closed. It is further

ORDERED that if an entity's certificate is canceled in accordance with this Order, that entity shall immediately cease and desist providing pay Telephone services in Florida. It is further

ORDERED that any protest to the action proposed herein shall specific the entity or entities to which it applies. It is further

ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

ORDER NO. PSC-02-1538-PAA-TC

DOCKET NO. 020764-TC, 020770-TC, 020777-TC, 020778-TC, 020779-TC,
020783-TC, 020793-TC, 020796-TC

PAGE 4

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 12th day of November, 2002.



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

(S E A L)

AJT

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

ORDER NO. PSC-02-1538-PAA-TC

DOCKET NO. 020764-TC, 020770-TC, 020777-TC, 020778-TC, 020779-TC,
020783-TC, 020793-TC, 020796-TC

PAGE 5

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 3, 2002.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

ORDER NO. PSC-02-1538-PAA-TC

DOCKET NO. 020764-TC, 020770-TC, 020777-TC, 020778-TC, 020779-TC,
020783-TC, 020793-TC, 020796-TC

PAGE 6

ATTACHMENT A

2nd Time Offenders - Nonpayment of RAFs - 1,000 Penalty

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD ENDED</u>	<u>CERT. NO.</u>	<u>RAFS</u>	<u>PENALTY AND INTEREST</u>
020764-TC	Phone Plus, Inc. \$134,900 Revenues 12/31/00	2704	2001	2000 2001
020770-TC	Tel Call Communication Inc. \$43,703 Revenues 12/31/00	3715	2001	1998 2001
020777-TC	Laurstar Telecommuncations, Inc. \$1,037 Revenues 12/31/00	4172	2001	1997 1999 2001
020778-TC	I P P S of Orlando, Inc \$0 Revenues 12/31/00	4323	2001	2001
020779-TC	John McDermott \$0 Revenues 12/31/00	4551	2001	2001
020783-TC	Colonial Systems, Inc. \$0 Revenues 12/31/00	5543	2001	2001
020793-TC	Victory Financial Group, Inc. \$0 Revenues 12/31/00	6047	2001	2000 2001
020796-TC	Cybertex Computer, Inc. d/b/a CTX Payphone Company \$0 Revenues 12/31/00	7212	2001	2001

*Years penalty and/or interest was not paid