

STATE OF FLORIDA

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ORIGINAL #3616

\$50.00

3/10/03

DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

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Public Service Commission

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DIVISION OF COMPETITIVE SERVICE

February 12, 2003

DEPOSIT

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RECEIVED-FPSC

P. Isler
/CCA

Mr. Ralph J. Lupton, Jr. (TE151)
PO Box 16768
Tampa, FL 33687-6768

TE151

Dear Mr. Lupton:

On January 10, 2003, the Commission received your 2002 Regulatory Assessment Fee return form with the note "I don't own any phones anymore." The minimum payment for the 2002 Regulatory Assessment Fee was not received. On January 13, 2003, I faxed you a note explaining that if payment of the 2002 Regulatory Assessment Fee, along with the \$3.00 penalty and interest balance for late payment of the 2000 fee, was received by January 30, 2003, a docket would be established to grant you a voluntary cancellation with an effective date of December 31, 2002. A response has not been received.

There are two kinds of cancellations. The first is voluntary, which is normally granted if the company is in good standing with the Commission and does not have a past due balance of the Regulatory Assessment Fee, including statutory penalty and interest charges. The other is involuntary. If a company is not in good standing and has an outstanding balance of the Regulatory Assessment Fee, the Commission normally cancels the certificate on its own motion for a rule violation. It should be noted that any balance owed is turned over to collections.

Normally, the effective date of a cancellation is the date that the Commission received a company's request for cancellation. However, if a company pays the Regulatory Assessment Fee timely, but in a different year, and requests cancellation, the effective date is normally the last working day of the prior year.

In this case, the Commission received your request January 10, 2003, and with what appeared to be a request for cancellation. Had the Commission also received payment of the 2002 Regulatory Assessment Fee by the due date of January 30, 2003, the effective date of the cancellation would have been December 31, 2002. Since payment was not received timely, the effective date of the cancellation will now be January 10, 2003, which means the company now owes the 2003 Regulatory Assessment Fee, even if the company is no longer in business or, in fact, never went into business.

Therefore, based on the above information, I cannot recommend a voluntary cancellation of

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

Mr. Ralph J. Lupton, Jr. (TE151)
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your certificate unless the past due balance is paid and you either go ahead and pay the 2003 Regulatory Assessment Fee or provide the date the 2003 Regulatory Assessment Fee will be paid. Please respond in writing by March 1, 2003, and let me know how you wish to proceed.

In the meantime, if you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, by internet e-mail at pisler@psc.state.fl.us, or at the address listed at the bottom of Page 1.

Sincerely,



Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosure (Rule 25-24.514, F.A.C.)