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Docket #: 160110

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Hitsu, Inc.
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of PATS
Certificate No. 5991, issued to Hitsu, Inc., for
apparent second-time violation of Rule 25-
4.0161, F.A.C., Regulatory Assessment Fees;
Telecommunications Companies

DOCKET NO. 160110-TC
ORDER NO. PSC-16-0198-PAA-TC
ISSUED: May 19, 2016

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING PENALTIES AND
COLLECTION COSTS, AND REQUIRING PAYMENT OF DELINQUENT REGULATORY
ASSESSMENT FEES, OR CANCELLING PAY TELEPHONE SERVICE CERTIFICATES
FOR VIOLATION OF RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE

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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code (F.A.C.).

Pursuant to Rule 25-4.0161(12), F.A.C., telecommunications companies that fail to pay the Regulatory Assessment Fee (RAF), including statutory late payment charges, within 15 days after receiving a delinquent notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. The penalty amounts include collection costs. If an entity fails to pay the RAF in full, including any statutory late payment charges, along with the penalty amount, that entity's pay telephone services certificate shall be cancelled.

Pursuant to Section 364.336, Florida Statutes (F.S.), certificate holders must pay a minimum annual RAF if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(3), F.A.C., the appropriate RAF return form and applicable fees are due to the Florida Public Service Commission by January 30th of the subsequent year. Pursuant to Section 350.113(4), F.S., the RAF return 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.

The Division of Administrative and Information Technology Services advised that Hitsu, Inc. failed to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C.. Hitsu, Inc. has not paid the 2015 RAF, statutory late payment charges, nor the \$1000 penalty and collection costs.

Accordingly, we hereby find it appropriate to cancel Hitsu, Inc.'s pay telephone service certificate for failure to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C., unless Hitsu, Inc. pays a penalty and cost of collection for its second offense, together totaling \$1000, and remits any past due RAF, along with accrued statutory late payment charges, to the Florida

Public Service Commission, prior to issuing a Consummating Order for this Proposed Agency Action Order (Order).

We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, and 364.285, F.S.

If this Order is not protested by Hitsu, Inc., then Hitsu, Inc.'s certificate shall be cancelled. If Hitsu, Inc. pays the penalty and cost of collection, together totaling \$1,000, and remits any past due RAF, along with any accrued statutory late payment charges, prior to issuing a Consummating Order for this Proposed Agency Action Order, then Hitsu, Inc.'s certificate will remain active.

If Hitsu, Inc. fails to protest the Order or pay the penalty and cost of collection, together totaling \$1,000, and fails to remit any past due RAF, along with any accrued statutory late payment charges, prior to the issuance of a Consummating Order, of this Proposed Agency Action Order, then Hitsu, Inc.'s certificate shall be cancelled administratively, and the collection of any past due RAF shall be referred to the Florida Department of Financial Services for further collection efforts.

If Hitsu, Inc.'s certificate is cancelled in accordance with this Commission's Order, Hitsu, Inc. shall immediately cease and desist providing pay telephone service in Florida.

Hitsu, Inc.'s docket shall be closed administratively either upon receipt of the payment of the penalty and cost of collection, together totaling \$1,000, and any past due RAF, along with any accrued statutory late payment charges from Hitsu, Inc., or upon cancellation of Hitsu, Inc.'s certificate.

If Hitsu, Inc. certificate is cancelled in accordance with this Order and it subsequently decides to reapply as a pay telephone services provider, Hitsu, Inc. shall be required to first pay the penalty and cost of collection, together totaling \$1,000 and any outstanding fees, including accrued statutory late payment charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Hitsu, Inc. shall pay a penalty and cost of collection, together totaling \$1000, and any past due RAF, including any statutory late payment charges, to the Florida Public Service Commission for failure to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C., by the end of the protest period listed in this order. It is further

ORDERED that the cost of collection will be subtracted from any monies collected as payments (full or partial) of the penalty and will be deposited, along with the past due RAF, in the Florida Public Service Commission Regulatory Trust Fund, pursuant to Section 350.113, F.S. The statutory late payment charges and any portion of the penalty exceeding the cost of collection will be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), F.S. It is further