

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of)
Certificates to Provide Pay)
Telephone Service:)
)
TELEPHONE COMPANY OF NORTH) DOCKET NO. 960942-TC
AMERICA)
CERTIFICATE NO. 3765)
CHERI TENNEY) DOCKET NO. 960943-TC
CERTIFICATE NO. 3763)
GAFINOL, INC.) DOCKET NO. 960944-TC
CERTIFICATE NO. 1824)
CHUCK GILBERT) DOCKET NO. 960945-TC
CERTIFICATE NO. 2638)
GREGORY J. BOONE) DOCKET NO. 960946-TC
CERTIFICATE NO. 4122)
ROBERTA & JOHN (JACK) ROCHE) DOCKET NO. 960947-TC
CERTIFICATE NO. 3645)
TELECOMMUNICATIONS OF AMERICA,) DOCKET NO. 960948-TC
INC.)
CERTIFICATE NO. 3883)
EAGLE PAY TEL) DOCKET NO. 960949-TC
CERTIFICATE NO. 3308)
)
) ORDER NO. PSC-96-1307-FOF-TC
) ISSUED: October 28, 1996

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING CERTIFICATE
FOR FAILURE TO COMPLY WITH AGENCY RULES

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 formal proceedings pursuant to Rule 25-22.029, Florida Administrative Code.

These dockets were initiated to cancel the respective pay telephone providers' certificates of public convenience and necessity, authorizing the provision of pay telephone service (PATS). Each of the respective PATS providers listed in the

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FPSC-RECORDS/REPORTING

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caption of this Order has been approved to hold a certificate issued by the Commission. However, each has failed to pay the Commission its required regulatory assessment fees for the 1995 calendar year.

The failure to pay these regulatory assessment fees is a violation of Rule 25-4.0161(2), Florida Administrative Code, which requires the payment of regulatory assessment fees to the Florida Public Service Commission each January 30 for the preceding period or any part of the period from July 1 until December 1, and on July 30 for the preceding period or any part of the period from January 1 until July 30. Each PATS provider failed to pay the regulatory assessment fees due on July 30, 1995, and January 30, 1996.

It is of paramount importance that PATS companies pay the required regulatory assessment fees in a timely fashion. Therefore, based on this evidence of violation of Commission Rules by each of these PATS providers, we hold that the certificates will be cancelled, pursuant to Rule 25-24.514(1)(b), Florida Administrative Code, if the PATS providers fail to pay a \$250 fine and past due regulatory assessment fees within 30 days after this order becomes final. The fines are to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes.

<u>Name</u>	<u>Certificate No.</u>
Telephone Company of North America	3765
Cheri Tenney	3763
Gafinol, Inc.	1824
Chuck Gilbert	2638
Gregory J. Boone	4122
Roberta & John (Jack) Roche	3645
Telecommunications of America, Inc.	3883
Eagle Pay Tel	3308

Each PATS provider with a certificate in its possession is hereby directed to return it forthwith to the Commission.

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The cancellation of these certificates and the closing of these dockets in no way diminishes the above PATS providers' obligations to pay applicable delinquent regulatory assessment fees.

The dockets listed in this Order will be closed following expiration of the period specified in this Order unless an appropriate petition for hearing, protesting a specific docket, is filed by one whose substantial interests may or will be affected by this proposed agency action, as provided by Florida Administrative Code Rules 25-22.029 and 25-22.036(7)(a). A petition protesting the action proposed here with regard to a specific docket filed by one whose substantial interests are affected will not prevent our proposed action from becoming final as to any other docket listed in this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each pay telephone provider listed in the body of this Order pay all past due regulatory assessment fees and pay a \$250 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161(2), Florida Administrative Code. It is further

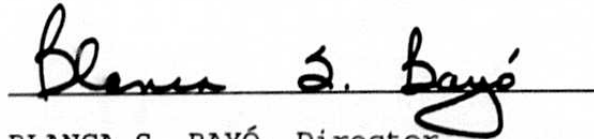
ORDERED that when the past due regulatory assessment fees and the fine are paid, the docket shall be closed. It is further

ORDERED that each pay telephone provider must pay the past due regulatory assessment fees and the fine within 30 days of this Order becoming final or its certificate shall be cancelled and the docket closed. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final. A protest filed in an individual docket shall not prevent this Order from becoming final as to any other docket in which no protest is filed.

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By ORDER of the Florida Public Service Commission, this 28th
day of October, 1996.


BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

WPC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 18, 1996.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting 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 of the effective date 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.