

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4924
issued to James Thomas Rothrock
for violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991116-TC
ORDER NO. PSC-99-2397-FOF-TC
ISSUED: December 7, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

ORDER CANCELING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

James Thomas Rothrock (Mr. Rothrock) currently holds Certificate of Public Convenience and Necessity No. 4924, issued by the Commission on August 29, 1996, authorizing the provision of Pay Telephone service (PATS). The Division of Administration advised our staff by memorandum that Mr. Rothrock 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 1998. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1998 had not been paid.

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 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. All entities that apply for certification receive a copy of our rules governing Pay Telephone (PATS) service. All applicants must attest that these rules have been received and understood by the applicant and an affidavit must be attached to the application in order for the application to be processed.

DOCUMENT NUMBER-DATE

14916 DEC-7 99

FPSC-RECORDS/REPORTING

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On September 28, 1999, Mr. Rothrock called our staff to advise that he would pay the outstanding balance in full and request the voluntary cancellation of Certificate No. 4924. At the October 5, 1999, Agenda Conference, this Commission voted to fine Mr. Rothrock \$500 or cancel his certificate for violation of our rules. On October 8, 1999, we received Mr. Rothrock's 1998 RAFs, including accrued penalty and interest charges, along with a letter requesting voluntary cancellation of Certificate No. 4924. In addition, the company paid the 1999 RAFs, which are not due until January 31, 2000.

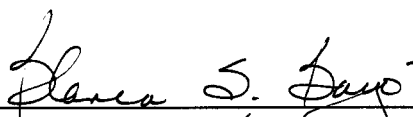
Mr. Rothrock has complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of his request for cancellation of his PATS certificate and by submitting his RAFs for the year 1998, along with accrued statutory penalties and interest charges for the year 1998. Accordingly, we find it appropriate to cancel PATS Certificate No. 4924, effective October 8, 1999. Mr. Rothrock shall return his certificate to this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that James Thomas Rothrock's Certificate No. 4924 to provide Pay Telephone services is hereby canceled, effective October 8, 1999. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 7th day of December, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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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 Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) 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 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 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.

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M E M O R A N D U M

99 DEC -7 PM 1:12

December 6, 1999

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *WMP BK*

RE: DOCKET NO. 991116-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4924 ISSUED TO JAMES THOMAS ROTHROCK FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

2397-FOF

Attached is an ORDER CANCELING PAY TELEPHONE CERTIFICATE to be issued in the above-referenced docket. (Number of pages in order - 3)

KMP/sa
Attachment
cc: Division of Telecommunications
I:991116v.kmp

See 2

RAF mailed
by Justice to DC
10/17/99 RAR