

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of PATs Certificate No. 5590 issued to David G. Retherford d/b/a Three Tuitions for violation of Rule No. 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

DOCKET NO. 001039-TC

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5905 issued to Hernando Buenaventura, Jr. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

DOCKET NO. 001056-TC
ORDER NO. PSC-00-2126-PAA-TC
ISSUED: November 7, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINES, REQUIRING PAYMENT OF REGULATORY ASSESSMENT
FEES AND REQUIRING INFORMATION IN ACCORDANCE WITH RULE 25-24.520,
FLORIDA ADMINISTRATIVE CODE, OR CANCELING
PAY TELEPHONE CERTIFICATES

BY THE COMMISSION:

DOCUMENT NUMBER-DATE
14375 NOV-78
FPSC-RECORDS/REPORTING

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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.

The entities listed below have 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(s) specified below. Also, accrued statutory penalties and interest charges have 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 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.

Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1 through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due. The entities have been given adequate opportunity to pay. The Commission's correspondence regarding the RAFs was returned by the United States Postal Service. As of the date of the vote, the entities have not paid the required fees.

The return of these materials indicates that each entity may have violated Rule 25-24.520, Florida Administrative Code, which requires the reporting to the Commission of an address change or a change in the name, title, or telephone number of the individual responsible for Commission contacts within ten days of its effectiveness.

For the reason described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it reasonable to cancel each entity's certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161,

Florida Administrative Code, unless each entity pays a \$500 fine and remits all past due RAFs, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. We also find it reasonable to cancel each entity's certificate for failure to comply with Rule 25-24.520, Florida Administrative Code, unless each entity pays a \$500 fine and provides the information required by Rule 25-24.520, Florida Administrative Code, to the Florida Public Service Commission. Each entity must comply with these requirements within five business days after the issuance of the Consummating Order. The two fines, totalling \$1,000, will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
David G. Retherford d/b/a Three Tuitions	5590	1999	1999
Hernando Buenaventura, Jr.	5905	1999	1999

As the appropriate fees, statutory penalties, interest charges, required information, and fines are received, each Docket shall be closed. Should any of the entities fail to comply with this Order within five business days after the issuance of the Consummating Order, the entity shall have its certificate canceled, effective the date of issuance of the Consummating Order, and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes any of the entity's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein must pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the issuance

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of the Consummating Order. The fines will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that each of the entities listed herein must provide the correct mailing address, liaison information, and other information in accordance with Rule 25-24.520, Florida Administrative Code, and pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-24.520, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fine will be transmitted to 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, and the respective Docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes any of the entities' obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. It is further

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

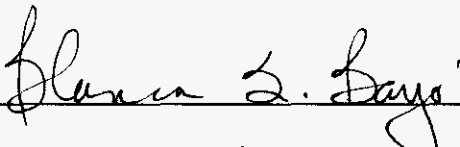
ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

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 Records and Reporting, 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

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ORDERED that in the event this Order becomes final, these Dockets shall be closed upon payment of the fines, and fees, or upon cancellation of the certificates.

By ORDER of the Florida Public Service Commission this 7th day of November, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

FRB

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.

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

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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 28, 2000.

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 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.