

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 212
issued to James N. Johnson for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees.

DOCKET NO. 971245-TC
ORDER NO. PSC-98-0891-AS-TC
ISSUED: July 6, 1998

The following Commissioners participated in the disposition of
this matter:

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

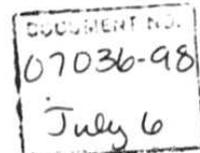
ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

By Notice of Proposed Agency Action Order No. PSC-97-1429-FOF-TC (PAA Order), issued November 14, 1997, we cancelled Mr. James N. Johnson's pay telephone certificate for nonpayment of regulatory assessment fees for the years 1992 and 1993. On December 2, 1997, Mr. Johnson timely filed a letter protesting the PAA Order and requesting a hearing on this matter. On June 1, 1998, Mr. Johnson submitted an offer to settle the case. (See Attachment A)

As the outcome of several discussions between our staff and Mr. Johnson, he proposed a settlement that can be summarized as follows: (1) Mr. Johnson will voluntarily give up his pay telephone certificate; (2) Mr. Johnson will not reapply for certification for a period of one year; and (3) Mr. Johnson will pay all past due regulatory assessment fees, including statutory penalties and interest in three equal installments on July 7, 1998, August 7, 1998, and on September 7, 1998.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer.



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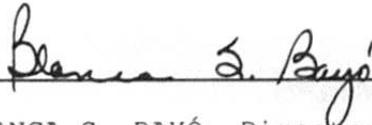
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Mr. James N. Johnson's settlement proposal summarized in the body of this Order and included as Attachment A is approved. It is further

ORDERED that this docket shall remain open pending receipt of all past due regulatory assessment fees, including statutory penalties and interest. It is further

ORDERED that upon receipt of all past due fees, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 6th day of July, 1998.



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 120.569(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.

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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.

Before The Public Service Commission

IN RE: Cancellation By Florida
Public Service Commission of Pay
Telephone Certificate No 212
Issued to James N. Johnson
FOR Violation of Rule 25-4
§161 F.A.C. Regulatory
Assessment Fees

Docket NO:
971245-TC

June 1, 1998

Settlement Proposal.

1. This is a settlement proposal. This is NOT an admission of guilt, wrongdoing or violation of any commission rule or law. This is an attempt to resolve this issue.
2. I voluntarily give up my payphone certificate.
3. I will not reapply for a period of 1 year.
4. I was recently informed that I owe \$75.00 in fees etc. I will pay \$25.00 on 7/7/98; 8/7/98 and 9/7/98.

James N. Johnson
June 1, 1998