

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4204
issued to AmeriTel Pay Phones,
Inc. for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991048-TC
ORDER NO. PSC-99-2101-FOF-TC
ISSUED: October 25, 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:

AmeriTel Pay Phones, Inc. (AmeriTel Pay Phones) currently holds Certificate of Public Convenience and Necessity No. 4204, issued by the Commission on July 18, 1995, authorizing the provision of Pay Telephone (PATS) service. The Division of Administration advised our staff by memorandum that AmeriTel Pay Phones 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 PATS service. All applicants must attest that these rules have been received and understood by

DOCUMENT NUMBER-DATE

13055 OCT 25 99

REGISTRATION REPORTING

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the applicant and an affidavit must be attached to the application in order for the application to be processed.

On August 19, 1999, Susan Davis Morley, attorney, contacted our staff and advised that AmeriTel Pay Phones would pay the past due amount in full and requested voluntary cancellation of AmeriTel Pay Phones' certificate. AmeriTel Pay Phones subsequently paid all the past due charges on September 13, 1999, and reaffirmed its request for cancellation of its certificate. AmeriTel Pay Phones has complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its PATS certificate and by submitting its RAFs for the year 1998, along with statutory penalties and interest charges for 1998. Accordingly, we find it appropriate to cancel PATS Certificate No. 4204, effective September 13, 1999.

AmeriTel Pay Phones shall return its certificate to this Commission. A RAFs Return notice for 1999 will be mailed to AmeriTel Pay Phones. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice for the year 1999 shall relieve AmeriTel Pay Phones from its obligation to pay RAFs for 1999.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that AmeriTel Pay Phones, Inc.'s Certificate No. 4204 to provide Pay Telephone service is hereby canceled, effective September 13, 1999. It is further

ORDERED that AmeriTel Pay Phones, Inc. shall return its certificate to this Commission and remit Regulatory Assessment Fees for the year 1999. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission, this 25th
day of October, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP

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.

M E M O R A N D U M

October 22, 1999

RECEIVED-PPSC

99 OCT 25 AM 10:16

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KMP pic*

RE: DOCKET NO. 991048-TC - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. ~~3843~~ *4204*
ISSUED TO ~~L.L.C., INC.~~ FOR VIOLATION OF RULE 25-4.0161,
F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS
COMPANIES.

AmeriTel

2101-FOF

Attached is an ORDER CANCELING PAY TELEPHONE CERTIFICATE to be
issued in the above-referenced docket. (Number of pages in order
- 4)

KMP/sa
Attachment
cc: Division of Communications
I:991048v.kmp

See 1c2

11/0

From: Kay Flynn Confirm receipt
To: Paula Isler
Subject: fwd: 991048

===NOTE=====10/25/99=11:10am=
CC: Kimberley Pena, Linda Williams
.....

Paula, we have the order to issue for this PATS cancellation. It appears from the order that this is a VOLUNTARY cancellation, though the docket started as a PSC cancellation. Should the docket title be changed? (I'll hold the order till I hear from you concerning this.) Kay

Fwd=by:=Paula=Isler===10/25/99=11:14am=
Fwd to:
Kay Flynn, Kimberley Pena,
Linda Williams
.....

The docket title should NOT be changed. They paid the RAFS after the docket was opened and then requested voluntary cancellation. This docket did not appear on the Consent agenda.

Fwd=by:=Kay=Flynn=====10/25/99=11:16am=
Fwd to: Paula Isler
CC: Linda Williams, Kimberley Pena
.....

Okay. The docket title will remain as is and the docket will continue to be categorized as an involuntary cancellation. Thanks.
