

M E M O R A N D U M

December 14, 1998

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TO: DIVISION OF RECORDS AND REPORTING

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

RE: DOCKET NO. 981158-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3096 ISSUED TO BEUFORD B. WENTWORTH FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

98-1701-AS-TC

Attached is an ORDER APPROVING SETTLEMENT, to be issued in the above-referenced docket. (Number of pages in order - 3)

KMP/anr

Attachment

cc: Division of Communications

I: 981158.kmp

see!

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3096
issued to Beuford B. Wentworth
for violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 981158-TC
ORDER NO. PSC-98-1701-AS-TC
ISSUED: December 15, 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:

Beuford B. Wentworth (Mr. Wentworth) currently holds
Certificate of Public Convenience and Necessity No. 3096, issued by
the Commission on August 28, 1992, authorizing the provision of pay
telephone service. The Division of Administration advised our
staff by memorandum that Mr. Wentworth 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 1997, nor statutory penalties and interest charges for late
RAF payments for the years 1992, 1995, and 1997.

Under 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 and an
affidavit in which the applicants attest that the rules have been
received and understood by the applicant. This affidavit must be
attached to the application in order for the application to be
processed. The RAF form was mailed to Mr. Wentworth in December,

DOCUMENT NO. DATE

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FLORIDA PUBLIC SERVICE COMMISSION

ORDER NO. PSC-98-1701-AS-TC
DOCKET NO. 981158-TC
PAGE 2

1997, for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to Mr. Wentworth on December 13, 1997.

After this docket was opened, our staff received a call from Mr. Wentworth. He stated that his records showed that he had mailed his 1997 RAFs form and check on January 15, 1998. Mr. Wentworth promptly paid all the past due RAFs, statutory penalties and interest charges after he had received confirmation that we had not received his 1997 RAFs. In addition, Mr. Wentworth authored a letter, dated October 22, 1998, assuring us that he would not only pay RAFs in a timely manner in the future, but would confirm that the fees had been received.

Due to the extenuating circumstances, we believe that Mr. Wentworth did attempt to comply with Commission rules by paying the regulatory assessment fees by January 30, 1998. Although, we did not receive Mr. Wentworth's check and 1997 RAF form, we believe it would serve no purpose to fine Mr. Wentworth. Accordingly, we hereby accept the terms of Mr. Wentworth's settlement agreement.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Beuford B. Wentworth's settlement agreement, summarized in the body of this Order, is hereby approved. It is further

ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 15th day of December, 1998.

BLANCA S. BAYO, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP

ORDER NO. PSC-98-1701-AS-TC
DOCKET NO. 981158-TC
PAGE 3

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.