

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4957
issued to Miresa Inc. d/b/a In
Touch Telecommunications 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. 981320-TC
ORDER NO. PSC-99-0338-AS-TC
ISSUED: February 19, 1999

The following Commissioners participated in the disposition of
this matter:

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

ORDER APPROVING SETTLEMENT

Miresa Inc. d/b/a In Touch Telecommunications (In Touch
Telecommunications) currently holds Certificate of Public
Convenience and Necessity No. 4957, issued by the Commission on
October 15, 1996, authorizing the provision of pay telephone
service.

Under Section 364.336, Florida Statutes, certificate holders
must pay a minimum annual regulatory assessment fee (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 In Touch
Telecommunications in December, 1997, for the period of January 1,
1997, through December 31, 1997. Our correspondence regarding the
RAFs was signed for and delivered to In Touch Telecommunications on

DOCUMENT NUMBER-DATE

02189 FEB 1999

FPSC-RECORDS/REPORTING

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December 13, 1997. The Division of Administration advised our staff by memorandum that USPS returned other mail stamped "return to sender," "unable to locate," and undeliverable as addressed."

The Division of Administration further advised our staff by memorandum that In Touch Telecommunications had not paid the RAFs required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the years 1996 and 1997, nor statutory penalties and interest charges for late RAFs payments for the years 1996 and 1997.

After this docket was opened, our staff received a call from Ms. Carole Ann Paquette, In Touch Telecommunications' president. She stated that the company would pay all the past due charges and would propose a settlement offer. In Touch Telecommunications paid all the past due statutory penalties and interest charges, provided the Commission with its correct address and telephone number, and submitted a settlement offer. In Touch Telecommunications agreed to pay future regulatory assessment fees in a timely manner, provide the Commission with updated reporting requirements within 10 days of a change, and contribute \$200 to the State General Revenue Fund.

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. In Touch Telecommunications must comply with these requirements within five business days from the date this Order becomes final. The contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Upon remittance of the \$200 contribution, this docket shall be closed.

Based on the foregoing, it is


ORDERED by the Florida Public Service Commission that Miresa Inc. d/b/a In Touch Telecommunications' settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$200 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

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ORDERED that upon receipt of the \$200 contribution this docket shall be closed.

By ORDER of the Florida Public Service Commission this 19th day of February, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.