

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5387
issued to Richard L. Sturgeon
for violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 981440-TC
ORDER NO. PSC-99-0811-AS-TC
ISSUED: April 21, 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

BY THE COMMISSION:

Richard L. Sturgeon (Mr. Sturgeon) currently holds
Certificate of Public Convenience and Necessity No. 5387, issued by
the Commission on July 18, 1997, authorizing the provision of pay
phone service. The Division of Administration advised our staff by
memorandum that Mr. Sturgeon had not paid the 1997 regulatory
assessment fees (RAFs), nor statutory penalties and interest
charges for late RAFs payments for the year 1997. RAFs are
required by Section 364.336, Florida Statutes, and Rule 25-4.0161,
Florida Administrative Code.

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 phone 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. Sturgeon for the period

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-0811-AS-TC
DOCKET NO. 981440-TC
PAGE 2

of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered on December 16, 1997.

After the docket was opened, but prior to the recommendation being filed, Mr. Richard Sturgeon, Owner, called our staff and advised that the company wanted to keep his certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that the company paid the past due amount. Mr. Sturgeon agreed to pay future regulatory assessment fees in a timely manner and contribute \$100 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. Mr. Sturgeon 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 \$100 contribution, this docket shall be closed.

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. 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 \$100 contribution, this docket shall be closed.

Based on the foregoing, it is

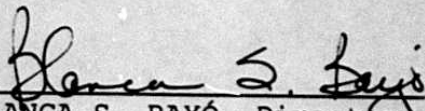
ORDERED by the Florida Public Service Commission that Richard L. Sturgeon's settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further It is further

ORDERED that upon receipt of the \$100 contribution, this docket shall be closed.

ORDER NO. PSC-99-0811-AS-TC
DOCKET NO. 981440-TC
PAGE 3

By ORDER of the Florida Public Service Commission this 21st
day of April, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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.