

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4672
issued to Edward DeMatteis 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. 981528-TC
ORDER NO. PSC-99-0983-FOF-TC
ISSUED: May 17, 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 CANCELING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

Edward DeMatteis (Mr. DeMatteis) currently holds Certificate of Public Convenience and Necessity No. 4672, issued by the Commission on July 13, 1996, authorizing the provision of pay telephone service (PATS). The Division of Administration advised our staff by memorandum that Mr. DeMatteis 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 years 1996 and 1997. Also, accrued statutory penalties and interest charges for late RAFs payments for the years 1996, and 1997 have 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

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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 (PATS) service. All applicants must attest that these rules have been received and understood by the applicant and an affidavit must be attached to the application in order for the application to be processed. The United States Postal Service neither returned the receipt, nor correspondence regarding the RAFs was not.

On February 9, 1999, Order No. PSC-99-0225-FOF-TC was issued, which imposed a \$1,000 fine and required payment of the fine and fees or his certificate would be canceled. After the Order was issued, Mrs. Susan DeMatteis called our staff. She advised that Mr. DeMatteis had not been in business since 1996 and requested voluntary cancellation of the certificate. In addition, she advised that the past due charges would be paid. Mr. DeMatteis subsequently paid all the past due charges, including the 1998 RAFs, provided staff with his correct address, and reaffirmed his request for cancellation of his certificate. Mr. DeMatteis has complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of his request for cancellation of his PATS certificate and by submitting its regulatory assessment fees for the years 1996, 1997, and 1998. Accordingly, we find it appropriate to cancel PATS Certificate No. 4672, effective December 31, 1998. Mr. DeMatteis shall return his certificate to this Commission.

Based on the foregoing, it is

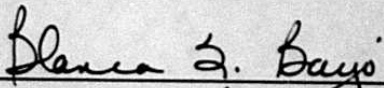
ORDERED by the Florida Public Service Commission that Edward DeMatteis' Certificate No. 4672 to provide Pay Telephone services is hereby canceled, effective December 31, 1998. It is further

ORDERED that Edward DeMatteis shall return his certificate. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission, this 17th
day of May, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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.