

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5520
issued to Robert Michael Alley
for violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 981615-TC
ORDER NO. PSC-99-1132-FOF-TC
ISSUED: June 7, 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 REINSTATING PAY TELEPHONE CERTIFICATE
AND APPROVING SETTLEMENT

BY THE COMMISSION:

On December 5, 1997, Robert Michael Alley obtained Florida
Public Service Commission Pay Telephone Service (PATS) Certificate
No. 5520. On December 11, 1997, our Division of Administration
mailed the regulatory assessment fee (RAF) notice by certified
mail. The United States Postal Service (USPS) returned the receipt
on January 26, 1998, which showed the RAF notice was signed for and
delivered. Robert Michael Alley failed to timely pay 1997 RAFs.

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PSC-RECORDS/REPORTING

On February 9, 1999, by Order No. PSC-99-0229-FOF-TI, the company was ordered to pay a \$500 fine plus past due RAFs, along with statutory penalty and interest charges, or the company's certificate would be canceled. The company had until March 2, 1999 to file a protest and until March 9, 1999 to pay the \$500 fine and past due amount.

On February 16, 1999, Mr. Alley, owner, called our staff and advised that he wanted to keep his certificate, would pay the 1997 and 1998 regulatory assessment fees, including statutory penalties and interest, and would respond to the Order by making a settlement offer. When neither protest nor payment was timely received, this docket was closed and the certificate was canceled.

On March 15, 1999, our staff received a letter from the company dated February 16, which enclosed the 1997 and 1998 RAFs. This letter from Mr. Alley had a handwritten note attached which explained that the letter was originally mailed on February 16, 1999, but the USPS had returned it to him. The letter did not include a settlement offer or the full amount due, therefore, our staff called the company and requested the settlement and payment. This docket was reopened.

On March 26, 1999, our staff received a letter from the company, dated March 22, 1999, which offered to pay a \$100 settlement, promised to pay future regulatory assessment fees on a timely basis, and included a check for the balance due. At the April 20, 1999 Agenda Conference, we voted to approve this settlement offer.

On April 28, our staff was made aware that this company's certificate had been canceled on March 9, after the original Order was issued.

Accordingly, we hereby reinstate the certificate and reaffirm our vote at the April 20, 1999 Agenda Conference to accept the settlement offer. In the offer, Robert Michael Alley has agreed to pay future regulatory assessment fees in a timely manner and to contribute \$100 to the State General Revenue Fund. Robert Michael Alley must remit payment within five business days from the date this Order becomes final. The \$100 contribution will

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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 contribution, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Robert Michael Alley's Pay Telephone Service (PATS) Certificate No. 5520 is hereby reinstated. It is further

ORDERED that Robert Michael Alley's settlement offer, dated March 22, 1999, 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

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

By ORDER of the Florida Public Service Commission this 7th day of June, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

JAM

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.