

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4478
issued to Afindulie, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 981544-TC
ORDER NO. PSC-99-1802-PAA-TC
ISSUED: September 16, 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.

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING PAY TELEPHONE CERTIFICATE FOR
FAILURE TO COMPLY WITH ORDER PSC-99-0808-AS-TC

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

Afindulie, Inc. (Afindulie) currently holds Certificate of
Public Convenience and Necessity No. 4478, issued by this
Commission on January 20, 1996, authorizing the provision of Pay
Telephone service. The Division of Administration advised our
staff by memorandum that Afindulie had not paid the 1997 regulatory
assessment fees (RAFTs), nor statutory penalties and interest
charges for late RAFTs payments for the years 1996 and 1997. RAFTs
are required by Section 364.336, Florida Statutes, and Rule 25-
4.0161, Florida Administrative Code.

DOCUMENT NUMBER-DATE

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FPC-RECORDS REPORTING

ORDER NO. PSC-99-1802-PAA-TC
DOCKET NO. 981544-TC
PAGE 2

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. 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 RAF form was mailed to Afindulie for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was returned unopened to us by the United States Postal Service stamped "return to sender" and "unclaimed."

After this docket was opened, our staff contacted Afindulie and was advised by a representative that the company would pay all the past due charges and that it would propose a settlement offer. Afindulie paid all the past due statutory penalties and interest charges, and submitted a settlement offer. Afindulie agreed to pay future regulatory assessment fees in a timely manner and contribute \$100 to the State General Revenue Fund.

By Order No. PSC-99-0808-AS-TC, issued April 21, 1999, we approved Afindulie's settlement offer. The contribution was due by April 28, 1999. When the contribution was not received by the due date, our staff sought to contact the company via fax and telephone. All attempts were unsuccessful. As of the date of this vote, Afindulie has not submitted the contribution nor responded our staff.

For the reasons described above, pursuant to Rule 25-24.514(1)(b), Florida Administrative Code, we find it appropriate to cancel Afindulie's Pay Telephone Certificate No. 4478, effective August 17, 1999, for failure to comply with Order No. PSC-99-0808-AS-TC. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice for the year 1999 will be mailed to Afindulie. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice for the year 1999 shall relieve Afindulie from its obligation to pay RAFs for 1999.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Afindulie, Inc's Certificate No. 4478 to provide Pay Telephone

ORDER NO. PSC-99-1802-PAA-TC
DOCKET NO. 981544-TC
PAGE 3

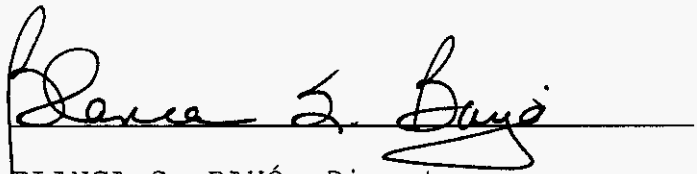
services is hereby canceled, effective August 17, 1999, for failure to comply with Order No. PSC-99-0808-AS-TC. It is further

ORDERED that Afindulie, Inc. shall return its certificate to this Commission and remit Regulatory Assessment Fees for the year 1999. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 16th day of September, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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ORDER NO. PSC-99-1802-PAA-TC
DOCKET NO. 981544-TC
PAGE 4

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 7, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.