

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of PATS
certificate holders for apparent third-time
violation of Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 070385-TC
ORDER NO. PSC-07-0588-PAA-TC
ISSUED: July 19, 2007

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING PENALTIES AND
COLLECTION COSTS, AND REQUIRING PAYMENT OF DELINQUENT REGULATORY
ASSESSMENT FEES, OR CANCELLING PATS CERTIFICATE FOR VIOLATION OF
RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE

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.

Pursuant to Rule 25-4.0161(10), Florida Administrative Code, telecommunications companies that fail to pay the Regulatory Assessment Fee, including statutory late payment charges, within 15 days after receiving a delinquent notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. The penalty amounts include collection costs. If an entity fails to pay the Regulatory Assessment Fee in full, including statutory late payment charges, along with the penalty amount, that entity's certificate shall be cancelled.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee 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. Pursuant to Section 350.113(4), Florida Statutes, the Regulatory Assessment Fee return forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due.

The Division of Administrative Services advised our staff that Global Tel*Link Corporation, Company Code TF226, failed to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, by paying the fee more than 15 days of receipt of the delinquent notice. In addition, Global Tel*Link Corporation has had two prior dockets for the same rule violation. In Docket No. 010448-TC, the company paid the past due Regulatory Assessment Fees, including statutory late payment charges, and a \$500 settlement and in Docket No. 060469-TC, the company paid the \$1,000 penalty and past due fees to resolve its dockets.

DOCUMENT NUMBER - DATE

06058 JUL 19 07

FPSC-COMMISSION CLERK

Accordingly, we hereby find it appropriate to cancel Global Tel*Link Corporation's pay telephone company (PATS) certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Global Tel*Link Corporation pays a penalty and cost of collection, together totaling \$2,000, to the Florida Public Service Commission.

If this Order is not protested, Global Tel*Link Corporation's PATS certificate shall be cancelled. If Global Tel*Link Corporation pays the penalty and cost of collection, together totaling \$2,000, prior to the expiration of the Proposed Agency Action Order, then Global Tel*Link Corporation's PATS certificate will remain active. If Global Tel*Link Corporation fails to protest the Order or pay the penalty and cost of collection, together totaling \$2,000, prior to the expiration of the Proposed Agency Action Order, then Global Tel*Link Corporation's PATS certificate should be cancelled administratively, and the collection of the past due Regulatory Assessment Fees should be referred to the Florida Department of Financial Services for further collection efforts. If Global Tel*Link Corporation's PATS certificate is cancelled in accordance with this Commission's Order, that company should be required to immediately cease and desist providing pay telephone service in Florida. This docket should be closed administratively either upon receipt of the payment of the penalty and cost of collection, together totaling \$2,000, or upon cancellation of Global Tel*Link Corporation's PATS certificate. If Global Tel*Link Corporation's PATS certificate is cancelled in accordance with this Order and it subsequently decides to reapply for a certificate as a pay telephone company, Global Tel*Link Corporation shall be required to first pay the penalty and cost of collection, together totaling \$2,000 and any outstanding fees, including accrued statutory late payment charges. We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, 364.3375, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Global Tel*Link Corporation shall pay a penalty and cost of collection, together totaling \$2,000, to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, by the end of the protest period. The cost of collection will be subtracted from any monies collected as payment (full or partial) of the penalty and cost of collection, and will be deposited, along with any past due Regulatory Assessment Fees, in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. The statutory late payment charges and any portion of the penalty exceeding the cost of collection will be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. It is further

ORDERED that should Global Tel*Link Corporation fail to comply with this Order, that entity's certificate shall be cancelled. It is further

ORDERED that the cancellation of the certificate in no way diminishes Global Tel*Link Corporation's obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory late payment charges. If Global Tel*Link Corporation has its certificate cancelled, and subsequently decides to reapply for certification as a pay telephone company, that company shall be required to first pay any outstanding penalties and cost of collection and fees, including accrued statutory late payment charges. Any unpaid Regulatory Assessment Fees, and accrued statutory late payment charges, shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if Global Tel*Link Corporation's certificate is cancelled in accordance with this Order, that entity shall immediately cease and desist providing pay telephone service in Florida. 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 Office of Commission Clerk, 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 upon receipt of the imposed penalty and cost of collection, together totaling \$2,000, or upon cancellation of Global Tel*Link Corporation's PATS certificate.

By ORDER of the Florida Public Service Commission this 19th day of July, 2007.



ANN COLE
Commission Clerk

(S E A L)

VM

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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 9, 2007.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.