

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3249
issued to Papa & Mother Glass
Grocery 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. 980792-TC
ORDER NO. PSC-98-1192-FOF-TC
ISSUED: September 8, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE, REQUIRING PAYMENT OF REGULATORY ASSESSMENT
FEES AND REQUIRING INFORMATION IN ACCORDANCE WITH RULE 25-24.520,
FLORIDA ADMINISTRATIVE CODE, OR CANCELING
PAY TELEPHONE CERTIFICATE

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.

Papa & Mother Glass Grocery currently holds Certificate of
Public Convenience and Necessity No. 3249, issued by the Commission
on February 12, 1993, authorizing the provision of pay telephone
service. Papa & Mother Glass Grocery has not paid the regulatory
assessment fee(s) required by Section 364.336, Florida Statutes,
and Rule 25-4.0161, Florida Administrative Code, for the years 1996
and 1997. The regulatory assessment fee form was mailed to Papa &
Mother Glass Grocery in December, 1997, for the period of January
1, 1997, through December 31, 1997. Pursuant to Rule 25-4.0161(2),

DOCUMENT NUMBER-DATE

09746 SEP-88

RECORDED BY REPORTING

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Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. Papa & Mother Glass Grocery was notified of its delinquency on June 5, 1998. Papa & Mother Glass Grocery has been given adequate opportunity to pay. The Commission's correspondence regarding the regulatory assessment fees was returned, marked "unclaimed." To date, Papa & Mother Glass Grocery has not paid the required fees.

The return of these materials indicates that Papa & Mother Glass Grocery may have violated Rule 25-24.520(1)(a), Florida Administrative Code, which requires the reporting to the Commission of an address change within ten (10) days of its effectiveness. Accordingly, Commission staff attempted to reach the contact person of Papa & Mother Glass Grocery by telephone. This effort was unsuccessful, indicating that Papa & Mother Glass Grocery may have also violated Rule 25-24.520(1)(b), Florida Administrative Code, which requires the reporting to the Commission of a change in the name, title, or telephone number of the individual responsible for Commission contacts.

For the reasons described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Papa & Mother Glass Grocery's certificate, unless it pays a \$500 fine for failure to comply with Section 364.336, Florida Statutes, Rule 25-4.0161, Florida Administrative Code, and remits all past due regulatory assessment fees, along with statutory penalties and interest charges. We also find it appropriate to cancel Papa & Mother Glass Grocery's certificate unless it pays a \$500 fine for failure to comply with Rule 25-24.480 (2), Florida Administrative Code, and provides the information required by Rule 25-24.520, Florida Administrative Code, to the Florida Public Service Commission. Papa & Mother Glass Grocery must comply with these requirements within five business days from the date this Order becomes final. The fines will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, required information, and fines are received, this docket shall be closed. Should Papa & Mother Glass Grocery fail to comply with this Order within five business days from the date this Order becomes final, Papa & Mother Glass Grocery shall have its certificate canceled and the docket will be closed. The

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cancellation of the certificate and the closing of the docket in no way diminishes Papa & Mother Glass Grocery's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Papa & Mother Glass Grocery shall pay the past due regulatory assessment fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that Papa & Mother Glass Grocery shall provide the correct mailing address, liaison information, and other information in accordance with Rule 25-24.520, Florida Administrative Code, and pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-24.520, Florida Administrative Code, within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Papa & Mother Glass Grocery fail to comply with this Order, Papa & Mother Glass Grocery's certificate shall be canceled, and the docket shall be closed. It is further

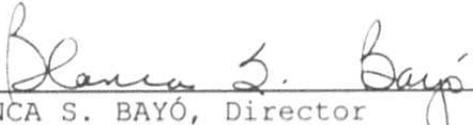
ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes Papa & Mother Glass Grocery's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective 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 or Judicial Review" attached hereto. It is further

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ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fines, and fees, or upon cancellation of the certificate.

By ORDER of the Florida Public Service Commission this 8th day of September, 1998.



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.

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 September 29, 1998.

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In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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.