

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 4907  
issued to Joe Kaiser Alnasery  
for violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies, and 25-24.520,  
F.A.C., Reporting Requirements.

DOCKET NO. 991079-TC  
ORDER NO. PSC-00-0589-AS-TC  
ISSUED: March 23, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Joe Kaiser Alnasery (Mr. Alnasery) currently holds Certificate of Public Convenience and Necessity No. 4907, issued by the Commission on August 29, 1996, authorizing the provision of Pay Telephone (PATS). The Division of Administration advised our staff by memorandum that Mr. Alnasery had not paid the 1998 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1998 had not been paid. RAFs are required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

Further, the Commission's correspondence regarding the RAFs was returned by the United States Postal Service. The return of these materials indicated that Mr. Alnasery may have violated Rule 25-24.520, Florida Administrative Code, which requires the reporting to the Commission of an address change and/or a change in the name, title, or telephone number of the individual responsible for Commission contacts, within ten (10) days of its effectiveness.

DOCUMENT NUMBER-DATE

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REGISTRY OF RECORDS

All entities that apply for certification receive a copy of our rules governing PATS. 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.

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. The RAFs form was mailed to Mr. Alnasery for the period of January 1, 1998, through December 31, 1998, on December 10, 1998. 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. However, pursuant to Section 350.113(4), Florida Statutes, the Commission shall provide at least a 45 days notice of the date the payment is due prior to the due date. Mr. Alnasery was scheduled to remit its RAFs by February 1, 1999.

By Order PSC-99-2089-PAA-TC, issued on October 22, 1999, we imposed a \$500 for the RAFs rule violation and a \$500 fine for violation of the reporting requirements rule. Failure to comply with this Order would result in the cancellation of the certificate. On November 1, 1999, Mr. Alnasery contacted our staff and advised that he would pay the past due amount in full and submit a settlement offer on the RAFs violation. He further advised that he had notified the Commission of his new address in July 1999. After researching our records, our staff has found evidence to confirm the change of address. We believe that Mr. Alnasery has demonstrated the intent to operate in conformance with the Commission's Rules by providing in writing his change of address. Therefore, Mr. Alnasery has satisfactorily demonstrated his compliance with Rule 25-24.520 Florida Administrative Code.

On November 12, 1999, Mr. Alnasery paid the past due amount in full, and proposed to contribute \$100 to the State General Revenue Fund and to pay future RAFs in a timely basis. In addition, Mr. Alnasery included the check in the amount of \$100 to satisfy the settlement contribution.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. The contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

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Based on the foregoing, it is

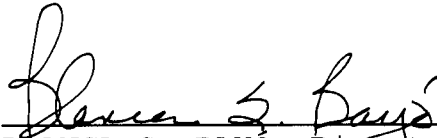
ORDERED by the Florida Public Service Commission that Joe Kaiser Alnasery's settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that the contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that Mr. Alnasery has satisfactorily demonstrated his compliance with Rule 25-24.520, Florida Administrative Code. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 23rd day of March, 2000.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

( S E A L )

KMP

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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.

M E M O R A N D U M

March 20, 2000

*filed 3/23/00*  
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RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp D/C*

RE: DOCKET NO. 991079-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4907 ISSUED TO JOE KAISER ALNASERY FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS.

*0589- AS*

Attached is an ORDER APPROVING SETTLEMENT to be issued in the above-referenced docket. (Number of pages in order - 4)

KMP/anc  
Attachment  
cc: Division of Telecommunications  
I: 991079s.kmp

*pg 2*

*1 certified*