COMMISSIONERS: NANCY ARGENZIANO, CHAIRMAN LISA POLAK EDGAR NATHAN A. SKOP ART GRAHAM RONALD A. BRISÉ



OFFICE OF THE GENERAL COUNSEL S. CURTIS KISER GENERAL COUNSEL (850) 413-6199

Hublic Service Commission

July 23, 2010

Mr. Sonny Triscari **Empire** Vending 700 N.W. 57th Place, Suite 5 Ft. Lauderdale, FL 33309

Re: Docket No. 100278-TC **2009 Regulatory Assessment Fees**

Dear Mr. Triscari:

Ms. Nancy Pruitt, Regulatory Analyst III in the Certification and Enforcement Section of the Commission's Division of Regulatory Analysis asked me to respond to your letter of June 29, 2010. As I understand the facts, you recently paid your 2009 Regulatory Assessment Fees (RAFs), including statutory late payment penalties and interest, in the amount of \$130.00, but do not have funds available to pay the \$500 penalty and collection costs for a first time violation of Rule 25-4.0161, Florida Administrative Code (F.A.C.). Further, you assert you did not receive your 2009 RAF form, as it was likely sent to your previous mailing address. As vou acknowledge, you are responsible for payment of your annual RAFs in the time period set out by the Rule. The Rule further provides that failure to pay RAFs by the date specified in the Rule incurs an automatic penalty and collection costs of \$500 for a first time violation.

Pursuant to Rule 25-24.520, F.A.C., it is your responsibility to notify the Commission of any change of address within 10 days. Thus, the fact that you assert you did not receive the 2009 RAF form cannot be used as grounds to excuse late payment.

Moreover, on June 17, 2010, the Commission issued Order PSC-10-0394-PAA-TC, which you signed for on June 21, 2010. This Order notified you of the requirement to pay all outstanding amounts, including the \$500 penalty and collection costs, and gave you 20 days, or until July 8,... 2010, to either pay the entire outstanding amount, including the \$500, or protest the order in \lesssim writing. You did neither, and on July 12, 2010, Order PSC-10-0441-CO-TC was issued, making Order PSC-10-0394-PAA-TC final and effective. Thus, at this point, the only two possible options are payment of the \$500 penalty and collection costs, or cancellation of your pay telephone certificate.

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I am sorry that there are no other options available to resolve this docket. In the event you choose to pay the \$500 penalty and collection costs and keep your certificate active, payment must be received by August 16, 2010. In the absence of full payment, under the terms of Order PSC-10-0394-PAA-TC, your pay telephone certificate, No. 3342, will be cancelled, and you will no longer be able to provide pay telephone service in the State of Florida unless you apply for and the Commission grants a new pay telephone certificate. Pursuant to the terms of the Order and Rule 25-4.0161(13), F.A.C., in order to receive a new certificate, you will still be required to pay the \$500 penalty and collection costs currently outstanding.

Sincerely,

Larry D. Harris Senior Attorney

cc: Docket No. 100278-TC Nancy Pruitt