

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida) DOCKET NO. 970389-TC
Public Service Commission of Pay)
Telephone Certificate No. 4492)
held by Counterbalance)
Investments, Inc. for violation)
of Rule 25-24.520(1)(a) and (b),)
F.A.C., Reporting Requirements,)
and Rule 25-4.0161, F.A.C.,)
Regulatory Assessment Fees.)

In Re: Cancellation by Florida) DOCKET NO. 970390-TC ✓
Public Service Commission of Pay) ORDER NO. PSC-97-0558-FOF-TC
Telephone Certificate No. 3776) ISSUED: May 20, 1997
held by Tele-Ven, Inc. for)
violation of Rule 25-24.520(1))
(a) and (b), F.A.C., Reporting)
Requirements, and Rule 25-)
4.0161, F.A.C., Regulatory)
Assessment Fees.)

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE AND REQUIRING
PAYMENT OF REGULATORY ASSESSMENT FEES
OR CANCELLING PAY TELEPHONE CERTIFICATES

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.

DOCUMENT NUMBER-DATE

05016 MAY 20 5

FPSC-RECORDS/REPORTING

These dockets were initiated to consider cancelling certain entities' certificates of public convenience and necessity authorizing the provision of pay telephone service (PATS). Each of the respective entities listed in the caption of this Order currently holds a certificate issued by the Commission. However, the regulatory assessment fee notices have been returned as undeliverable by the Post Office.

The PATS providers listed below have not paid the regulatory assessment fees required by Section 364.336, Florida Statutes and Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees. Regulatory assessment fee forms were mailed in December, 1996, for the period of January 1, 1996, through December 31, 1996. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the forms and applicable fees are due to the Florida Public Service Commission for the period ending December 31, 1996. Each provider was notified of its delinquency on February 28, 1997. Each provider has been given adequate opportunity to pay. To date, none of these entities have paid the required fees.

<u>NAME</u>	<u>CERTIFICATE NUMBER</u>
Counterbalance Investments, Inc.	4492
Tele-Ven, Inc.	3776

The returned regulatory assessment fee notices also show that each entity has violated Rule 25-24.520(1)(a), Florida Administrative Code, by failing to report to us any address change within ten (10) days of its effectiveness. Our staff attempted to reach the contact person of each of these entities by telephone. Their efforts were unsuccessful, thus providing further evidence that each entity has also violated Rule 25-24.520(1)(b), Florida Administrative Code, which requires any change in the name, title or telephone number of the individual responsible for Commission contacts to be reported. It is of paramount importance that PATS certificate holders remain diligent in furnishing the current information necessary to make contact with their representatives.

For the reasons described above, we find it appropriate to cancel these certificates, pursuant to Rule 25-24.514(1)(b), Florida Administrative Code, Cancellation of a Certificate, unless each provider listed above pays a \$250 fine, and remits all past due regulatory assessment fees, along with statutory penalties and

interest charges, to the Florida Public Service Commission within 30 days from the date this Order becomes final.

When the appropriate fees, statutory penalties, interest charges, and fine are received, these dockets shall be closed without further Commission action. Any provider that does not comply with this Order within 30 days from the date this Order becomes final shall have its certificate cancelled and the docket will be closed. The cancellation of a certificate and the closing of the docket in no way diminishes any of the providers' obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges.

A petition protesting the action proposed herein with regard to a specific docket filed by one whose substantial interests are affected will not prevent our proposed action from becoming final as to any other docket listed in this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each pay telephone provider listed in the body of this Order pay all past due regulatory assessment fees, statutory penalties, interest charges, and a \$250 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes and Rule 25-4.0161(2), Florida Administrative Code, and provide the correct mailing address, liaison information, and other information as in accordance with Rule 25-24.520 (1)(a) and (b), Reporting Requirements. It is further

ORDERED that each pay telephone provider must pay the past due regulatory assessment fees, statutory penalty, interest charges and a \$250 fine, within 30 days from the date this Order becomes final or its certificate shall be cancelled, and the docket shall be closed. The cancellation of a certificate and the closing of the docket in no way diminishes any of the providers' obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges. It is further

ORDERED that a petition protesting the Commission's action ordered above with regard to a specific docket, filed by one whose substantial interests are affected, will not prevent such action from becoming final as to the other dockets listed in the Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an

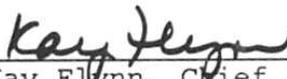
ORDER NO. PSC-97-0558-FOF-TC
DOCKETS NOS. 970389-TC, 970390-TC
PAGE 4

appropriate petition, in the form provided by Rule 25-22.036, 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

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

By ORDER of the Florida Public Service Commission, this 20th day of May, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn, Chief
Bureau of Records

(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 and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), 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 June 10, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.