

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 3940  
issued to Mark McDonald for  
violation of Rules 25-  
24.520(1)(a) and (b), F.A.C.,  
Reporting Requirements, and 25-  
4.0161, F.A.C., Regulatory  
Assessment Fees.

DOCKET NO. 970497-TC  
ORDER NO. PSC-97-0634-FOF-TC  
ISSUED: June 3, 1997

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.

This docket was initiated to consider cancelling this entity's  
certificate of public convenience and necessity authorizing the  
provision of pay telephone service (PATS). Mark McDonald (Mr.  
McDonald or the company) currently holds a certificate issued by  
the Commission. The Commission's regulatory assessment fee notice  
has been returned as undeliverable by the Post Office.

Mr. McDonald has not paid the regulatory assessment fees  
required by Section 364.336, Florida Statutes and Rule 25-4.0161,  
Florida Administrative Code. 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 the period ending December 31,

DOCUMENT NUMBER-DATE

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FPSO-RECORDS/REPORTING

1996. Mr. McDonald was notified of his delinquency on February 28, 1997. The company has been given adequate opportunity to pay. To date, Mr. McDonald has not paid the required fees.

The returned regulatory assessment fees notice also shows that Mr. McDonald 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 Mr. McDonald by telephone. These efforts were unsuccessful, thus providing further evidence that the company 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 Mr. McDonald's certificate, pursuant to Rule 25-24.514(1)(b), Florida Administrative Code, unless the company 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. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund.

When the appropriate fees, statutory penalties, interest charges, and fine are received, this docket shall be closed without further Commission action. Should Mr. McDonald fail to comply with this Order within 30 days from the date this Order becomes final, Mr. McDonald shall have his certificate canceled and the docket will be closed. The cancellation of the certificate and the closing of the docket in no way diminishes Mr. McDonald'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 Mark McDonald shall 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 in accordance with Rule 25-24.520 (1)(a) and (b). It is further

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ORDERED that Mark McDonald 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 his certificate shall be cancelled, and the docket shall be closed. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes Mark McDonald'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 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, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 3rd day of June, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

  
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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 24, 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.