

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4487
issued to Jeffrey A. Martin for
violation of Rule 25-
25.520(1)(a) and (b), F.A.C.,
and Rule 25-4.0161, F.A.C.

DOCKET NO. 970667-TC
ORDER NO. PSC-97-0964-FOF-TC
ISSUED: August 12, 1997

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER
IMPOSING FINE AND REQUIRING PAYMENT OF
REGULATORY ASSESSMENT FEES 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.

Jeffrey A. Martin (Mr. Martin or the company) currently holds
Certificate of Public Convenience and Necessity Number 4487, issued
by the Commission on February 9, 1995, authorizing the provision of
pay telephone service. Mr. Martin has not paid the regulatory
assessment fees required by Section 364.336, Florida Statutes and
Rule 25-4.0161, Florida Administrative Code. The Regulatory
Assessment Fee form was mailed to Mr. Martin 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 form and
applicable fees are due to the Florida Public Service Commission
for the period ending December 31, 1996. Mr. Martin was notified
of his delinquency on February 28, 1997. The company has been

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given adequate opportunity to pay. To date, the Commission's correspondence regarding the regulatory assessment fees has been returned by the post office, and Mr. Martin has not paid the required fees.

The returned regulatory assessment fees notice also shows that Mr. Martin 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. Martin 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 contact to be reported. It is of paramount importance that certificate holders remain diligent in furnishing the current information necessary to make contact with their representatives.

For the reasons described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Mr. Martin's certificate, unless the company pays a \$500 fine for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. We also find it appropriate to cancel Mr. Martin's certificate unless it pays a \$500 fine for failure to comply with Rule 25-24.520 (1), Florida Administrative Code, provides the information required by Rule 25-24.520 (1), Florida Administrative Code, and remits all past due regulatory assessment fees, along with statutory penalties and interest charges to the Florida Public Service Commission. Mr. Martin must comply with these requirements within 5 business days from the date this Order becomes final. The fines will be transmitted 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 fine are received, this docket shall be closed without further Commission action. Should Mr. Martin fail to comply with this Order within 5 business days from the date this Order becomes final, Mr. Martin shall have his certificate canceled and the docket will be closed. The cancellation of a certificate and the closing of the docket in no way diminishes Mr. Martin's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Jeffrey A. Martin shall provide the correct mailing address, liaison information, and other information in accordance with Rule 25-24.520(1), Florida Administrative Code, and pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-24.520(1), Florida Administrative Code, within 5 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 Jeffrey A. Martin must 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 5 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 Jeffrey A. Martin fail to comply with this Order, Jeffrey A. Martin's certificate shall be canceled, and the docket shall be closed. It is further

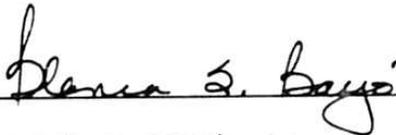
ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes Jeffrey A. Martin's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges. It is further

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 upon payment of the fine and fees and receipt of the required information, or upon cancellation of the certificate.

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By ORDER of the Florida Public Service Commission, this 12th
day of August, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.

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 September 2, 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

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notice of appeal must be in the form specified in Rule 9.900(a),
Florida Rules of Appellate Procedure.