

STATE OF FLORIDA

Commissioners:
E. LEON JACOBS, JR., CHAIRMAN
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LILA A. JABER
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MICHAEL A. PALECKI



DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

June 13, 2001

Mr. Sean Trainor, President
The Train-Tel Company
5709 1st Avenue South
St. Petersburg, FL 33707-1705

Re: Docket No. 010685-TC

Dear Mr. Trainor:

This is a follow up to your letter dated June 5, 2001. In the letter you stated you wished to keep your certificate active because you were trying to sell off the rest of the equipment. You also requested that the fine be waived. In addition, you included the 2000 Regulatory Assessment Fee (RAF) return form, but did not include a check for the past due amount.

The RAF is due each year by January 30 for the previous year, unless the 30th falls on a weekend, then the due date is the next working day. For example, the 1999 fee was due January 31, 2000 and the 2000 fee was due by January 30, 2001. If payment is postmarked after the due date, then statutory penalty and interest charges are applicable. The RAF is .0015% of the company's total Florida gross revenues, or \$50.00, whichever is greater. Based on the information you included on the 2000 RAF return, you owe the minimum, which now totals \$65.00 (\$50.00 fee, \$12.50 penalty, and \$2.50 interest) if payment is postmarked by June 29, 2001. If payment is postmarked between June 30 and July 29, 2001, the interest charge increases to \$3.00, or a total minimum amount of \$65.50. In addition, to the 2000 RAF, penalty and interest charges, our records show that you have a \$3.00 penalty and interest balance for late payment of the 1999 RAF (1999 RAF was due January 31, 2000 and your payment was postmarked February 11, 2000).

Since you stated you wanted to keep your certificate active, you will have to make a settlement offer that is consistent with prior Commission decisions. Your June 5 letter does not meet staff's criteria as a settlement. Therefore, unless I hear from you by June 28, 2001, I will have no choice but to go forward with a recommendation to fine Train-Tel \$1,000. If the Commissioners approve staff's recommendation, a Proposed Agency Action Order will be issued within 20 days from the date of the vote, and you will then have 21 days to pay the past due amount plus \$1,000 fine or protest the Order. If the company does not comply with the Order, your certificate will be cancelled on the Commission's own motion and any unpaid balance will be turned over to the Comptroller's

DOCUMENT NUMBER - DATE

07390 JUN 13 01

FPSC-RECORDS/REPORTING

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Office for further collection efforts. Enclosed is a copy of Rule 28-106.201, Florida Administrative Code, which outlines how to protest the Order.

Please respond in writing by June 28, 2001, and let me know how you wish to proceed. In the meantime, if you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, by internet e-mail at pisler@psc.state.fl.us, or at the address below.

Sincerely,

A handwritten signature in black ink that reads "Paula J. Isler". The signature is written in a cursive style with a large initial "P".

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosure

cc: Docket No. 010685-TC
Division of Legal Services (Elliott)

PART II HEARINGS INVOLVING DISPUTED ISSUES OF MATERIAL FACT

28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 ½ by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

Pay Telephone Service Provider Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TF920
The Train-Tel Company
 5709 1st Avenue South
 St. Petersburg, FL 33707-1705

PERIOD COVERED:
 01/01/2000 TO 12/31/2000

FOR PSC USE ONLY	
Check#	
\$ _____	0603002
\$ _____	003001
\$ _____	P
\$ _____	0603002
\$ _____	004011
\$ _____	I
Postmark Date _____	
Initials of Preparer _____	

Please Complete Below if Official Mailing Address Has Changed

The Train-Tel Co. 5709 1st Ave S. St. Pete, FL 33707
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	AMOUNT
1.	Gross Operating Revenue (Florida)	\$ 8461.20
2.	Gross Intrastate Revenue	8461.20
3.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)	(27072.63)
4.	TOTAL REVENUES for Regulatory Assessment Fee Calculation (Line 2 less Line 3)	\$ -0-
5.	Regulatory Assessment Fee Due — (Multiply Line 4 by 0.0015)	-0-
6.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	-0-
7.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	-0-
8.	TOTAL AMOUNT DUE	\$ -0-

AS PROVIDED IN SECTION 364.336 FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50
 THIS FORM MUST BE COMPLETED AND RETURNED REGARDLESS OF THE AMOUNT OF REVENUES REPORTED

9. Number of pay telephones in operation at close of period covered by this Return 40

* These amounts must be intrastate only and must be verifiable.

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

Sean Trainor
 (Signature of Company Official)
Sean Trainor
 (Preparer of Form - Please Print Name)

Pres 6-1-01
 (Title) (Date)
 Telephone Number 727 347 4905 Fax Number 727 347 8512
 F.E.I. No. 59-3345915