

ORIGINAL

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date	July 24, 2002	Docket No.	020811-TC
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1. Division Name/Staff Name:	Division of Competitive Markets & Enforcement/Isler
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2. OPR: Division of Competitive Markets & Enforcement/Isler

3. OCR: Office of the General Counsel

4. Suggested Docket Title: Cancellation by Florida Public Service Commission of PATS Certificate No. 7346 issued to Michael R. Spence d/b/a Constellation Telecom for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies and 25-24.520, F.A.C., Reporting Requirements.

5. Suggested Docket Mailing List (attach separate sheet if necessary) <ul style="list-style-type: none"> A. Provide NAMES OR ACRONYMS ONLY if a regulated company. B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.) <ul style="list-style-type: none"> 1. Parties and their representatives (if any):

2. Interested persons and their representatives (if any):	

6. Check one: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Documentation is attached. <input type="checkbox"/> Documentation will be provided with recommendation.
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FSC\CCA010-C (Rev 10/01)

DOCUMENT NUMBER DATE

07758 JUL 24 02

FPSC-COMMISSION CLERK

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: June 7, 2002
TO: Paula Isler, Division of Competitive Services
FROM: Sandy Moses, Division of the Commission Clerk and Administrative Services *sm*
RE: Returned Mail - Constellation Telecom (Company Code TG665)

Mail addressed to the organization at the address shown below has been returned to the Commission by the U.S. Postal Service for the reason indicated on the attached copy of the envelope. Staff in the Hearing Services Section has confirmed that the address matches that in the Master Commission Directory. Attempts to contact the company by telephone and e-mail have been unsuccessful.

Constellation Telecom
6904 Wilkow Drive, Apt. #U-312
Orlando, FL 32821-6042

If you are successful in contacting the company, please furnish a current mailing and location address as well as any other updated MCD information you obtain. Thank you for assisting this division in maintaining current information in the Master Commission Directory.

SM/lkf
Attachment

COMPETITIVE SERVICES
DIVISION OF

2002 JUN 10 PM 2:29

Florida Public Service Commission
Bureau of Records and Hearing Services
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850



Phone disconnected

Ret. Rec'd 5/1/02

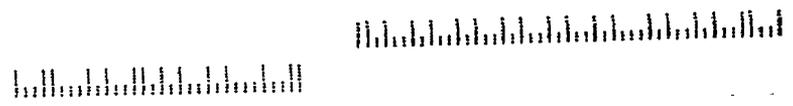
*(407) 226-7267
no e-mailed add.*

TG665
Michael R. Spence
Constellation Telecom
6904 Wilkow Drive, Apt. #U-312
Orlando FL 32821

PI # _____
Carr. Init. _____
State _____

- 6042
- Insufficient
 - Moved Left No Address
 - Refused
 - Not Known
 - No Such Street Number
 - Vacant Illegible
 - No Mail Receptacle

32399/8893



STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

June 6, 2002

Mr. Michael R. Spence, Owner
Constellation Telecom (TG665)
6904 Wilkow Drive, Apt. U-312
Orlando, FL 32821-6042

Dear Mr. Spence:

The Regulatory Assessment Fee (RAF) is due by January 30th of each year for the preceding calendar year. For certificate holders, the RAF is owed even if a telecommunications company may not have started operations or had any revenues. If payment is made after the due date, then statutory penalty and interest charges are applicable.

Our records show the 2001 RAF return notice was mailed December 12, 2001, and a delinquent notice was mailed February 20, 2002. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2001 RAF return form is enclosed. In addition, our records show that you have a small past due balance, which must be paid. A breakdown is enclosed.

If full payment, including penalty and interest charges, along with the RAF return form, are not received by June 27, 2002, it is my intention to establish a docket and recommend that the Commission fine your company \$500 or cancel your certificate. Please note that once a docket has been established, **just paying the delinquent RAF amount will not prevent your certificate from being cancelled.**

If you wish to cancel your certificate voluntarily and leave in good standing with the Commission, your company should pay the past due amount in full, complete the 2001 RAF return form, either pay the 2002 RAF or provide a date certain it will be paid, and comply with the requirements of Rule 25-24.514, Florida Administrative Code, copy enclosed. Any unpaid RAFs, including penalty and interest charges, are turned over to the Comptroller's Office for collection if the Commission cancels a company's certificate on its own motion (involuntary cancellations).

Mr. Michael R. Spence, Owner

Page 2

June 6, 2002

If you have any questions, please contact me at (850) 413-6502-voice, (850) 413-6503-fax, at the address below, or via internet e-mail at pisler@psc.state.fl.us.

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' and a stylized 'I'.

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

Pay Telephone Service Provider Regulatory Assessment Fee Return

STATUS:

- _____ Actual Return
- _____ Estimated Return
- _____ Amended Return

PERIOD COVERED:
01/01/2001 TO 12/31/2001

Florida Public Service Commission
(See Filing Instructions on Back of Form)

TG665-01-0-R
Constellation Telecom
6904 Wilkow Drive, Apt. #U-312
Orlando, FL 32821-6042

cc: P. Isler

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY

Check# _____

\$ _____ 0603002
003001

\$ _____ P 0603002
004011

\$ _____ I

Postmark Date _____

Initials of Preparer _____

(Name of Company)

(Address)

(City/State)

(Zip)

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

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 _____

* 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.

(Signature of Company Official)

(Title)

(Date)

(Preparer of Form - Please Print Name)

Telephone Number () _____ Fax Number () _____

F.E.I. No. _____

Michael R. Spence d/b/a Constellation Telecom (TG665)
Certificate No. 7346, Effective 03/02/00

Year	Fee	Penalty	Interest	Notes
2000	N/A	\$5.00	\$1.00	Payment was due 01/30/01. The company's payment for the RAF was postmarked 03/16/01, leaving a balance of \$6.00.
2001				<p>Payment was due 01/30/02. Our records do not show receipt of payment.</p> <p>NOTE: I did not include the amount due for the 2001 RAF since the amount is based on a company's total intrastate revenues. The RAF is .0015% of a company's revenues or \$50.00, whichever is greater. In addition, statutory penalty and interest charges are applicable.</p>
Total		\$5.00	\$1.00	Total: \$6.00 <u>NOT</u> including 2001 RAF, penalty, and interest

25-24.514 Cancellation of a Certificate.

- (1) The Commission may cancel a company's certificate for any of the following reasons:
- (a) Violation of the terms and conditions under which the authority was originally granted;
 - (b) Violation of Commission rules or orders;
 - (c) Violation of Florida Statutes; or,
 - (d) Failure to provide service for a period of six (6) months.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request.

- (a) Statement of intent and date to pay Regulatory Assessment Fee.
- (b) Statement of why the certificate is proposed to be cancelled.

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.127(1), 364.03, 364.285, 364.337, 364.345 FS.

History--New 1-5-87.

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



OFFICE OF GENERAL COUNSEL
HAROLD A. MCLEAN
(850) 413-6199

Public Service Commission

February 20, 2002

TG665-01-0-D
Constellation Telecom
6904 Wilkow Drive, Apt. #U-312
Orlando, FL 32821-6042

Dear Certificate Holder:

The Division of the Commission's Clerk and Administrative Services has forwarded your account to our office to address the nonpayment of the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2001, which was due January 30, 2002. The RAFs return form was mailed to you on **December 15, 2001**, and to date, Commission records reflect that payment has not been received.

According to Florida Law, you are required to add interest charges at 12% per annum, and a 5% penalty for each 30-day period or fraction thereof, beyond the due date, up to a maximum of 25% in addition to the delinquent amount due. In addition, pursuant to Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364.

Utilities are charged with knowledge of our rules and statutes. Moreover, it is general Commission practice that all utilities that apply for **Pay Telephone** certificate receive a copy of all applicable rules. Further, in accordance with Section 364.335, Florida Statutes, as part of the application process, utilities provide an affidavit indicating that they have read and understood the applicable rules.

If you wish to request another form, please contact Jackie Knight at the number below. The payment should be identified with the company code and the company's name. Failure to provide payment within 15 days of this notice will result in the establishment of a docket to address your failure to return the RAFs form and pay RAFs in accordance with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. As specified above, pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel your telecommunications certificate. Therefore, it is important that you address this matter now.

If you have paid your fees, please provide us with your check number and the date that it was paid.

Should you have any questions concerning this letter please contact **Jackie Knight** at (850) 413-6267 or via Internet e-mail at jknight@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to be "H. McLean".

Harold McLean
General Counsel

KMP
Enclosure

cc: Jackie Knight, Bureau of Administrative Services/Fiscal Services Section

MCD Company Information for TG665

Printed on 07/19/2002 at 08:12:56 by PJI

Company Code: TG665
Complete Name: Michael R. Spence d/b/a Constellation Telecom
Mailing Name: Constellation Telecom
Certificate No(s): 7346
Status: Active
Regulation Date: 03/02/2000
Bankruptcy: No
Company Liaison #1: Michael R. Spence
Title:
Mailing Address: 6904 Wilkow Drive, Apt. #U-312

Physical Location: Orlando, FL 32821-6042
6904 Wilkow Drive, Apt. #U-312

Phone: Orlando, FL 32821-6042
(407) 226-7267
Fax: (407) 352-5745

Related Dockets:
000008-TC Application for certificate to provide pay telephone service by
Michael R. Spence d/b/a Constellation Telecom.

- 8:15 am , 7/19
- Called 407-226-7267 - # discon.
 - Called 407-352-5745 - # changed to a non-pub. #.
 - DA provided 407-657-2725
 - Called 407-657-2725 - phone answered as Telecom Engineering Consultants. Left v/m msg @ 8:19 & asked if this was the same Co.

COMPANY IDENTIFICATION

Printed on 06/05/2002 at 08:36:46 by PJI

Complete Name: Michael R. Spence d/b/a Constellation Telecom

Mailing Name: Constellation Telecom

Company Code: TG665 FEID Number:

RAF ACCOUNT FOR THE PERIOD 01/01/2000 THROUGH 12/31/2000

Reg. Date:	03/02/2000	Inactive Date:	
Service:	PAT - Pay Telephone		
Received:	Actual RAF Form		
Status:	Pending		
Amended:	No	Extension:	No
Frozen:	No	Comments:	No
Payment Count:	1 Payment Made to Date		
Operating Rev:	\$0.00	Interstate Rev:	\$0.00
RAF Rate:	0.0015	Net RAF Due:	\$50.00

Assessment	Due	Paid	Owe
RAF	\$50.00	\$50.00	\$0.00
Penalty	\$5.00	\$0.00	\$5.00
Interest	\$1.00	\$0.00	\$1.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$56.00	\$50.00	\$6.00

Last modification was made on Wednesday, March 28, 2001 at 10:32 AM by Jackie Knight

Period covered: 01/01/2000 through 12/31/2000 RAF rate: 0.0015
 Operating rev: \$0.00 Gross intrastate rev: \$0.00

Documents: Actual RAF form received on 03/16/2001
 RAF form mailed on 03/07/2001
 Delinquent letter mailed on 02/21/2001
 RAF form mailed on 12/05/2000

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
03/16/2001	03/28/2001	03/28/2001-JIK	GI042	1461	\$50.00
	RAF paid		GI042		\$50.00

COMPANY IDENTIFICATION

Printed on 06/05/2002 at 08:36:53 by PJI

Complete Name: Michael R. Spence d/b/a Constellation Telecom

Mailing Name: Constellation Telecom

Company Code: TG665 FEID Number:

RAF ACCOUNT FOR THE PERIOD 01/01/2001 THROUGH 12/31/2001

Reg. Date:	03/02/2000	Inactive Date:	
Service:	PAT - Pay Telephone		
Received:	No RAF Form		
Status:	Pending		
Amended:	No	Extension:	No
Frozen:	No	Comments:	No
Payment Count:	0 Payments Made to Date		
Operating Rev:	\$0.00	Interstate Rev:	\$0.00
RAF Rate:		Net RAF Due:	\$0.00

Assessment	Due	Paid	Owe
RAF	\$0.00	\$0.00	\$0.00
Penalty	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00

Last modification was made on Thursday, December 6, 2001 at 3:15 PM by Jackie Knight

Period covered: 01/01/2001 through 12/31/2001	RAF rate:
Operating rev: \$0.00	Gross intrastate rev: \$0.00
Documents: Delinquent letter mailed on 02/20/2002	
RAF form mailed on 12/06/2001	