

ORIGINAL

030021-TC

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 1/2/03

Docket No. _____

- 1. Division Name/Staff Name Division of Competitive Markets and Enforcement/McCoy
- 2. OPR Toni McCoy/CMP *[Signature]*
- 3. OCR Legal
- 4. Suggested Docket Title Request for cancellation of Pay Telephone Services Certificate No. 7975 by Florida River Packing, Inc., effective 11/25/02.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES OR ACRONYMS ONLY if a regulated company.
- B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)
 - 1. Parties and their representatives (if any):

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

6. Check one:

- Documentation is attached.
- Documentation will be provided with recommendation.

DOCUMENT NUMBER 00070
00070 JAN-3 8
FPSC-COMMISSION CLERK

Jackie

JRM-12/3/02

COMPANY NAME: Florida River Packing, Inc. CO. CODE: TG854

COMPANY LIAISON: Carl Fetzer III, President

DOCKET NO.: _____ CERTIFICATE NO.: 7975 EFFECTIVE: 12/11/01

RAF RETURN NOTICE: _____

DELINQUENT NOTICE: _____

OTHER RETURNED MAIL: _____

CCA'S RETURNED MAIL: _____

YEAR(S) RAFs NOT PAID: 2001

YEAR(S) PENALTIES & INTEREST NOT PAID: 2001

REVENUES/YEAR: No Previous Return Filed

DATE LOTUS CHECKED FOR PAYMENT: _____

OTHER INFORMATION

06/17/02 - In reconciling RAF accounts with active certificates, I found
that this company had not been mailed a 2001 RAF notice.

06/17/02 - E-mailed Jackie Knight and asked that CCA mail the forms.
Jackie called and said she would mail them.

08/22/02 - As of this date, the 2001 form has not been mailed.
Wrote company and advised to pay RAF, P&I to avoid docket.

Response due 09/12/02.

8/26/02 - C.F. called at 9:04 am & sd. he got my letter & had no revenues. I expl. he still owed RAF. Sd he would send a ck.

9/4/02 - From Co. - Paym. of 2002 RAF, P&I.

11/20/02 - v/m msg. @ 1:35pm fr. Kathy Combs(?).
Wants to cancel cert.

772-461-9950

11/21/02 - Called KC @ 7:57am & expl. how to req. vol. can. She will send letter.

11/25/02 - From Co. - Letter requesting cancellation & adv. The 2002 RAF will be paid by the due date of 1/30/03.

12/3/02 - ~~From~~ Forwarded file to JG for handling.

Vol. cancellation, Eff. 11/25/02

Florida River Packing, Inc.
3479 S. Federal Highway, Suite 101
Ft. Pierce, Florida 34949
(772) 461-9950
(772) 461-9902

November 21, 2002

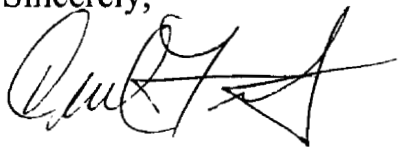
Ms. Paul Isler, Research Assistant
State of Florida
Public Service Commission
Division of the Commission Clerk &
Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Dear Ms. Isler:

After having our packinghouse destroyed by fire on October 20, 2002, we would like to voluntarily cancel our certificate to have a public pay telephone available on our premises. We will pay the 2002 regulatory assessment fee by the January 2003 due date.

Should you need any further information, please feel free to contact me. Thank you for your prompt attention to this matter.

Sincerely,



Carl Fetzer, III
President

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

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

August 22, 2002

TG854

CK 3417
\$50.00-R
12.50-P
4.00-I
9/4/02 No postmark
MC

P. Isler
CEA

Mr. Carl Fetzer III, President
Florida River Packing, Inc. (TG854)
PO Box 700
Vero Beach, FL 32961-0700

DEPOSIT

DATE

Dear Mr. Fetzer:

D251

SEP 08 2002

As part of my job duties, I establish dockets to collect payment of the Regulatory Assessment Fees owed by certificated telecommunication companies. In reconciling the active certificates with the certificate holders that have not paid the Regulatory Assessment Fee, I found that payment of the 2001 Regulatory Assessment Fee has not been received from Florida River Packing, Inc.

According to our records, the company's certificate became active December 11, 2001. As information, if a certificate is active for any one day during a calendar year, the Regulatory Assessment Fee is applicable for that year. Enclosed are pages 8-10 of the company's application, which states that a minimum \$50 Regulatory Assessment Fee is due each year and a copy of the Commission's Order granting the certificate, which states on page 2 that the Regulatory Assessment Fee is due each year.

Rule 25-4.0161(7)(d), Florida Administrative Code, provides that failure to receive a form by a telecommunications company shall not excuse it from its obligation to pay the fee timely. However, I have checked our records and found that the Commission did not mail your company a form. Therefore, before establishing a docket to fine Florida River Packing, Inc. for nonpayment of the fee, I am enclosing the 2001 Regulatory Assessment Fee return form to allow the company an opportunity to pay the Regulatory Assessment Fee.

If payment is postmarked by August 28, 2002, the total due is \$66.00 (\$50.00 fee, \$12.50 penalty, and \$3.50 interest). If payment is postmarked between August 29 and September 27, 2002 the interest increases to \$4.00, or a total due of \$66.50.

Please review this information and respond by September 12, 2002. If payment is not received by September 12th, I will have no choice but to establish the enforcement docket.

02 SEP 11 AM 8:39
DISTRIBUTION CENTER

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

August 22, 2002

Mr. Carl Fetzer III, President
Florida River Packing, Inc. (TG854)
PO Box 700
Vero Beach, FL 32961-0700

Dear Mr. Fetzer:

As part of my job duties, I establish dockets to collect payment of the Regulatory Assessment Fees owed by certificated telecommunication companies. In reconciling the active certificates with the certificate holders that have not paid the Regulatory Assessment Fee, I found that payment of the 2001 Regulatory Assessment Fee has not been received from Florida River Packing, Inc.

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Please review this information and respond by September 12, 2002. If payment is not received by September 12th, I will have no choice but to establish the enforcement docket.

Mr. Carl Fetzer III, President

Page 2

August 22, 2002

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 cursive script that reads "Paula J. Isler".

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

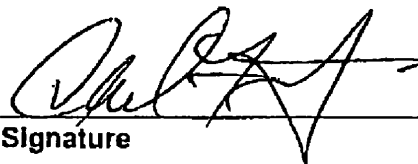
****APPLICANT FEE/TAX STATEMENT****

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of 0.15 of one percent of the gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra- and interstate business.
3. **SALES TAX:** I understand the a seven percent sales tax must be paid on intra- and interstate revenues.
4. **APPLICATION FEE:** I understand that a non-refundable application fee of \$100.00 must be submitted with the application.

UTILITY OFFICIAL:

CARL FETZER III

Print Name



Signature

PRESIDENT

Title

OCTOBER 8, 2001

Date

561-794-4633

Telephone No.

561-794-3185

Fax No.

Address: 465 SW 33rd, VERO BEACH, FL 32968

****ACKNOWLEDGMENT****

By my signature below, I, the undersigned owner/officer, have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

I will comply with all current and future Commission requirements regarding pay telephone service. I understand that I am required to pay a regulatory assessment fee (minimum of \$50.00 per calendar year), file an annual pay telephone service report, pay applicable sales tax, and pay gross receipts tax. Furthermore, I agree to keep the Commission advised of any changes in the names and addresses listed in the application within 10 days of the change.

Further, I am aware that, pursuant to Chapter 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, punishable as provided in s. 775.082 and s. 775.083."

UTILITY OFFICIAL:

CARL FETZER III

Print Name



Signature

PRESIDENT

Title

OCTOBER 8, 2001

Date

561-794-4633

Telephone No.

561-794-3185

Fax No.

Address: 465 SW 33rd AVE, VERO BEACH, FL 32968

****APPLICANT ACKNOWLEDGMENT****

Applicant: FLORIDA RIVER PACKING, INC

I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Requirements relating to my provision of Pay Telephone Service.

CARL FETZER III
Print Name


Signature

PRESIDENT
Title

OCTOBER 8, 2001
Date

561-794-4633
Telephone No.

561-794-3185
Fax No.

Address: 465 SW 33rd AVE, VERO BEACH, FL 32968

THIS ACKNOWLEDGMENT FORM MUST BE COMPLETED AND RETURNED AS PART OF THE APPLICATION BEFORE THE CERTIFICATION PROCESS BEGINS. FAILURE TO DO SO WILL RESULT IN A DELAY OF THE CERTIFICATE BEING ISSUED.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide pay
telephone service by
Transcommunications
Incorporated.

DOCKET NO. 011326-TC

In re: Application for
certificate to provide pay
telephone service by Columbia
County Board of County
Commissioners.

DOCKET NO. 011159-TC

In re: Application for
certificate to provide pay
telephone service by Florida
River Packing, Inc.

DOCKET NO. 011357-TC
ORDER NO. PSC-01-2232-PAA-TC
ISSUED: November 15, 2001

The following Commissioners participated in the disposition of
this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATES TO
PROVIDE PAY TELEPHONE SERVICE

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

14499 NOV 15 2001

FPSC-COMMISSION CLERK

ORDER NO. PSC-01-2232-PAA-TC
DOCKETS NOS. 011326-TC, 011159-TC, 011357-TC
PAGE 2

The entities listed below have applied for certificates to provide Pay Telephone (PATS) service pursuant to Section 364.3375, Florida Statutes. Upon review of their applications, it appears to be in the public interest to grant to each of these entities the certificates depicted below, which shall authorize them individually to provide PATS services.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>
Transcommunications Incorporated	7971
Columbia County Board of County Commissioners	7966
Florida River Packing, Inc.	7975

If this Order becomes final and effective, it will serve as each entity's certificate. Each entity should, therefore, retain this Order as proof of certification. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.3375, Florida Statutes.

PATS providers are subject to Chapter 25-24, Florida Administrative Code, Part XI, Rules Governing Pay Telephone Service Provided by Other Than Local Exchange Telephone Companies. PATS providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed each December to each of the entities listed above for payment in January. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice shall relieve any of these entities from its obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant, to the entities listed herein, certificates to provide Pay Telephone service, subject to the terms and conditions specified in the body of this Order. It is further

ORDER NO. PSC-01-2232-PAA-TC
DOCKETS NOS. 011326-TC, 011159-TC, 011357-TC
PAGE 3

ORDERED that this Order shall serve as each entity's certificate and should, therefore, be retained by these entities as proof of certification. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that, if a protest is filed as to the certification of any particular entity or entities, that protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" 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 15th day of November, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

AJT

ORDER NO. PSC-01-2232-PAA-TC
DOCKETS NOS. 011326-TC, 011159-TC, 011357-TC
PAGE 4

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 that is available under Section 120.57, 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 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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 6, 2001.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in s. 350.113, F.S., and s. 364.336, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of 0.0015 of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each telecommunications company shall deduct from gross operating revenues any amount paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(2) Telecommunications companies that owed gross regulatory assessment fees of \$10,000 or more for the preceding calendar year shall pay the fee and remit the appropriate form twice a year. The regulatory assessment fee and appropriate form shall be filed no later than July 30 for the preceding period of January 1 through June 30, and no later than January 30 of the following year for the period of July 1 through December 31. Telecommunication companies that owed gross regulatory assessment fees of less than \$10,000 for the preceding calendar year shall pay the fee and remit the appropriate form once a year. The regulatory assessment fee and appropriate form shall be filed no later than January 30 of the subsequent year for the current calendar year operations.

(3) If the due date falls on a Saturday, Sunday, or legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are considered paid on the date they are post marked by the United States Postal Service or received and logged in by the Commission's Division of Administration in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage, and postmarked no later than the due date.

(4) Commission Form PSC/CMU 25 (11/99), entitled "Local Exchange Company Regulatory Assessment Fee Return,"; Form PSC/CMU 26 (11/99), entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34 (11/99), entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 153 (11/99), entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMU 1 (11/99), entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMU 7 (11/99), entitled "Alternative Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration.

(5) Each telecommunications company shall have up to and including the due date in which to submit the applicable form and:

- (a) Remit the total amount of its fee or
- (b) Remit an amount which the company estimates is its full fee.

(6) Where the company remits less than its full fee, the remainder of the full fee shall be due on or before the 30th day from the due date and shall, where the amount remitted was less than 90 percent of the total regulatory assessment fee, include interest as provided by subsection (8)(b) of this rule.

(7) A company may request from the Division of Administration a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form.

(a) The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension must be received by the Division of Administration at least two weeks before the due date.

(c) Where a telecommunications company receives an extension of its due date pursuant to this rule, the telecommunications company shall remit a charge in addition to the regulatory assessment fees, as set out in s. 350.113(5), F.S.

(d) The return forms may be obtained from the Commission's Division of Administration. The failure of a telecommunications company to receive a return form shall not excuse the company from its obligation to timely remit the regulatory assessment fees.

(8) The delinquency of any amount due to the Commission from the telecommunications company pursuant to the provisions of s. 350.113, F.S., and this rule, begins with the first calendar day after any date established as the due date either by operation of this rule or by an extension pursuant to this rule.

(a) A penalty, as set out in s. 350.113, F.S., shall apply to any such delinquent amounts.

(b) Interest at the rate of 12 percent per annum shall apply to any such delinquent amounts.

Specific Authority: 350.127(2), F.S.

Law Implemented: 350.113, 364.336, F.S.

History: New 5/18/83, formerly 25-4.161, Amended 10/16/86, 01/01/91, 12/29/91, 01/08/95, 12/26/95, 07/08/96, 11/11/99.

Pay Telephone Service Provider Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:

12/11/2001 TO 12/31/2001

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TG854-01-0-R
 Florida River Packing, Inc.
 P. O. Box 700
 Vero Beach, FL 32961-0700

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. _____

MCD Company Information for TG854

Printed on 08/21/2002 at 11:10:22 by PJI

Company Code: TG854
Complete Name: Florida River Packing, Inc.
Mailing Name: Florida River Packing, Inc.
Certificate No(s): 7975
Status: Active
Regulation Date: 12/11/2001
Bankruptcy: No
Company Liaison #1: Carl Fetzer III
Title: President
Mailing Address: P. O. Box 700

Physical Location: Vero Beach, FL 32961-0700
6350 Oslo Road

Phone: Vero Beach, FL 32968-9271
(561) 794-4633
Fax: (561) 794-3185

Related Dockets:

011357-TC Application for certificate to provide pay telephone service by
Florida River Packing, Inc.

Paula Isler

From: Paula Isler
Sent: Monday, June 17, 2002 10:26 AM
To: Jackie Knight
Subject: RAF System

Hey, Jackie. This will follow up our conversation. The following companies have not been sent a 2001 RAF return form. As I mentioned on the phone, I printed out the payphone RAF forms (the TG company codes) and was going to send them out with a letter explaining the delay in sending out the notices. However, when I went back into the RAF System, it still showed "none" in the year field and there was no Payment History showing a form had been printed. Because of that, I do not believe it is proper for me to mail the forms to the companies. Please let me know what Fiscal decides. Thanks!

TG836
TG845
TG851
TG853
TG854
TG857
TJ508
TJ531
TJ565
TJ574
TJ577
TJ579
TJ581
TJ583
TJ584
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TJ596
TJ602
TS192
TX611
TX613
TX615
TX617
TX620
TX666