

State of Florida



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

DATE: February 18, 2003
TO: Blanca Bayo, Director, Commission Clerk and Administrative Services
FROM: Division of Competitive Markets & Enforcement (Buys) *DB*
RE: Docket No. 021206-TC; Compliance Investigation of Florida Commercial PayFon, Inc.
For Apparent Violation of Rule 25-4.019, F.A.C., Records and Reports in General.

Please file the attached letters in the above referenced docket. The first letter is from Florida Commercial PayFon, Inc., dated February 17, 2003, and the second letter is from Commission staff, dated February 11, 2003.

DRB/
Attachments (2)

cc: Division of Auditing and Safety (Vandiver)
Office of the General Counsel (B. Taylor)

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC / _____
OTH _____

DOCUMENT NUMBER-DATE

01621 FEB 18 8

FPSC-COMMISSION CLERK

FLORIDA COMMERCIAL PAYFON, INC.

February 17, 2003

Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL. 32399-0850

RECEIVED
PUBLIC SERVICE COMMISSION
COMMUNICATIONS SERVICES
FEB 17 2003

Dear State of Florida:

In response to your letter dated February 11, 2003 stating the February 17, 2003 deadline for responding to commission PAA Order No. PSC-03-0134-PAA-TC in Docket No. 021206-TC.

First you stated in your letter that you received our financial records, and the auditing staff is currently reviewing those records to determine if they are sufficient. Later in your letter you stated the financial records we submitted does not resolve the proposed penalty for the apparent rule violation.

Per our conversation, I asked to cover the information or financial records that Florida Commercial Payfon, Inc. sent on January 31, 2003 in response to your first request, but in return you were not able to connect or locate the package that was sent.

We had a conversation about the records we sent, you stated I failed to provide the commission staff with the necessary records in accordance to the rules, and that in not true. I replied to your **Pay Telephone Service Provider Regulatory Assessment Fee Return** on time. I pay every year what you request on line 8 the total amount due.

As I aforementioned you have to have a legitimate reason to audit someone's Corporation, you have failed to show me conforming to law a good reason you decided to audit this company. I return all the information that you requested but you still chose to use force and threats to cancel my certificate for failing to respond.

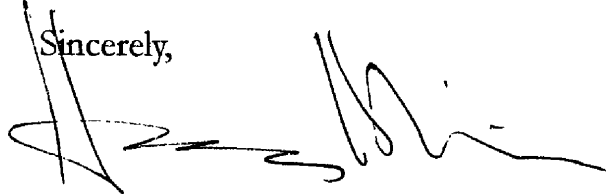
To end, I protest this **\$10,000** penalty and I stand firm to all of our taped recorded conversations and financial information we sent to the Public Service Commission. And again we here at Florida Commercial Payfon, Inc. is at this time having problems with the banks and for security reasons we will not and

February 17, 2003

do not release any Bank statements or account numbers unless in a court appearance or a commission staff hearing.

If you have any questions or concerns, please call (904) 786-2040 or fax (904) 786-1421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hozae Milton', written over a horizontal line.

Hozae Milton
Florida Commercial Payfon, Inc.

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



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

Public Service Commission

February 11, 2003

Via Certified U.S. Mail and Facsimile:
(904) 786-1421

Mr. Hozac Milton
Florida Commercial PayFon, Inc.
5625 Verna Blvd., Suite 9
Jacksonville, FL 32205

Re: "Friendly Reminder" of the February 17, 2003, deadline for responding to Commission PAA Order No. PSC-03-0134-PAA-TC in Docket No. 021206-TC.

Dear Mr. Milton:

We have received the financial records you sent on January 31, 2003, and the auditing staff is currently reviewing those records to determine if they are sufficient. On February 4, 2003, I called you regarding your company's response to the Commission's proposed agency action to penalize Florida Commercial PayFon, Inc. \$10,000 for its apparent violation of Rule 25-4.019, Florida Administrative Code, in Order No. PSC-03-0134-PAA-TC, issued on January 27, 2003. As I explained in our phone conversation, the financial records you submitted does not resolve the proposed penalty for the apparent rule violation. Also, based on your comments during our conversation, I am not sure that you understood what the proposed penalty is for. Please understand that the proposed penalty is not an increase in your regulatory assessment fee, it is part of an enforcement proceeding for failing to provide Commission staff with the necessary records in accordance with the rules.

The purpose of my letter is to remind you about the upcoming deadline to respond to the Commission's proposed agency action, including the \$10,000 penalty. Pursuant with our procedures, you may submit a settlement proposal, in writing, whereby you should offer to make a voluntary monetary contribution to the Florida General Revenue Fund in an amount less than the proposed penalty of \$10,000. Another course of action is to protest the Commission's proposed agency action and request a hearing in accordance with Rule 25-22.029, Florida Administrative Code. In either case, your company's settlement proposal or protest must be received by the Commission no later than 5:00 p.m. on Monday, February 17, 2003.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Mr. Hozae Milton
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If you do not respond by the required date, your company's certificate will be cancelled. If your company's certificate is cancelled, the company that provides dial tone to your payphones will be notified to discontinue service. Should you have any questions regarding this matter, please call me at (850) 413-6536.

Sincerely,

A handwritten signature in black ink that reads "Dale R Buys". The signature is written in a cursive style with a large, sweeping initial "D".

Dale R. Buys
Regulatory Analyst
Bureau of Service Quality

DRB

cc: Office of the General Counsel (B. Taylor)

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



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

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Dale R. Buys
Regulatory Analyst
Bureau of Service Quality

DRB

cc: Office of the General Counsel (B. Taylor)

Florida Commercial P@yfon, Inc.
5625 Verna Blvd.
Suite-9
Jacksonville, FL. 32205



Florida Commercial P@yfon, Inc.

FIRST CLASS MAIL

Florida Commercial P@yfon, Inc.

Phone (904) 786-2040 5625 Verna Blvd. Suite-9, Jacksonville, FL. 32205



*Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
Attn: Dale R. Buys*

Ficomphone@Hotmail.com