

Kimberley Pena**PARTIES**

From: Paula Isler
Sent: Thursday, July 17, 2008 2:52 PM
To: 'TelVend@aol.com'
Cc: Ann Cole; Ray Kennedy; Adam Teitzman; Hong Wang; Kimberley Pena; Victor McKay
Subject: RE: Docket 080212-TC
Attachments: Order PSC-08-0407-PAA-TC.pdf; 02-25-08- WilsonE-mail.pdf; 04-09-08- WilsonE-mail.pdf

Dear Mr. Wilson:

On February 25, 2008, I e-mailed you at the above e-mail address explaining that the Regulatory Assessment Fee is applicable if a certificate is active for any day during a calendar year. I advised that the 2007 Regulatory Assessment Fee, which was due January 30, 2008, to avoid late payment charges, had not been received. I also explained that delinquent notices had been mailed and that companies not complying with the notice, may be automatically fined. Instructions on how to request voluntary cancellation were included. The US Postal Service attempted delivery of the delinquent notice on February 25 and March 1, 2008, and subsequently returned the delinquent notice to us stamped "unclaimed" on March 12, 2008.

On March 3, 2008, the Clerk's Office received a note from you requesting cancellation of your payphone certificate. Docket No. 080212-TC was established to handle your request for cancellation with an effective date of March 3rd, the date we received your request.

On April 9, 2008, I e-mailed you explaining the docket had been established and that in order to receive a voluntary cancellation, the 2007 and 2008 fees, plus late payment charges for 2007, needed to be paid. The e-mail went on to explain that if full payment was not received, the payphone certificate would be cancelled on the Commission's own motion and that the unpaid fees would be turned over to collections. I requested a response by April 24th.

No response was received, therefore, Order No. PSC-08-0407-PAA-TC was issued on June 20, 2008. A copy of that order is attached to this e-mail. The order stated that any protest must be received by July 11, 2008. No protest was received, therefore, consummating order No. PSC-08-0453-CO-TC was issued yesterday, July 16, 2008, which finalized the first order and closes the docket.

Your certificate is now cancelled. I am also attaching a copy of my two previous e-mails.

Paula Isler
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850
 (850) 413-6502-Phone
 (850) 413-6503-Fax
Plsler@psc.state.fl.us

From: Kimberley Pena
Sent: Thursday, July 17, 2008 12:13 PM
To: 'TelVend@aol.com'; Paula Isler; Victor McKay
Cc: Ann Cole; Ray Kennedy; Adam Teitzman; Hong Wang
Subject: Docket 080212

Mr. Wilson, I am forwarding your email to staff assigned to the docket for a response.

Paula and Victor, please see below response to issuance of Order PSC-08-0453-CO-TC in the above referenced docket. Please let me know if this response is to be treated as a protest to the Order.

DOCUMENT NUMBER - DATE

06193 JUL 17 08

FPSC-COMMISSION CLERK

7/18/2008

Kimberley M. Peña
Chief Deputy Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6770

From: TelVend@aol.com [mailto:TelVend@aol.com]

Sent: Wednesday, July 16, 2008 7:49 PM

To: Records Clerk

Subject: Re: Order or Notice issued by the Public Service Commission (Email ID = 1757...

What is all this BS about? Our co. wrote u months ago to surrender our certificate & @ that time we had paid all your yearly renewal fee's although we never installed 1 single payphone in your state. What is it u want from us..more \$ & fee's???Please advise..I dont have time for red tape bs.Cliff Wilson

Get the scoop on last night's hottest shows and the live music scene in your area - [Check out TourTracker.com!](http://TourTracker.com)

7/18/2008

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of PATS Certificate No. 7569 by TeleVend, Inc., effective March 3, 2008. | DOCKET NO. 080212-TC
ORDER NO. PSC-08-0407-PAA-TC
ISSUED: June 20, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

NOTICE OF PROPOSED AGENCY ACTION ORDER
CANCELLING PAY TELEPHONE COMPANY CERTIFICATE ON THE COMMISSION'S
OWN MOTION

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.

TeleVend, Inc. currently holds Certificate No. 7569, issued by this Commission on October 3, 2000, authorizing the provision of pay telephone service (PATs). Pursuant to Section 364.336, Florida Statutes, pay telephone companies must pay a minimum annual Regulatory Assessment Fee if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the Regulatory Assessment Fee return forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. In addition, Rule 25-24.514, Florida Administrative Code, provides that a pay telephone company requesting cancellation of its certificate must state its intent and date to pay the current Regulatory Assessment Fee (RAF).

On March 3, 2008, this Commission received the company's Master Commission Directory update form with the note "Please cancel certificate since we haven't put up any payphones." On April 9, 2008, our staff e-mailed Mr. Cliff Wilson, the company's president, and explained that before a voluntary cancellation could be granted, the 2007 and 2008 Regulatory Assessment Fees, including statutory late payment charges, must be paid. Our staff

DOCUMENT NUMBER-DATE

05290 JUN 20 08

FPSC-COMMISSION CLERK

attached the 2007 and 2008 Regulatory Assessment Fee return forms. The 2007 and 2008 Regulatory Assessment Fees remain unpaid.

For the reasons described above, we deny TeleVend, Inc.'s request for voluntary cancellation of its PATS certificate. However, we find it appropriate to involuntarily cancel the pay telephone certificate, effective March 3, 2008, on this Commission's own motion for failure to comply with Rule 25-24.514, Florida Administrative Code, and pursuant to Section 364.336, Florida Statutes.

Since it appears TeleVend, Inc. does not currently provide service in Florida and has requested cancellation of its certificate, there would be no purpose in requiring the company to pay a penalty. The cancellation of the PATS certificate, in no way diminishes the entity's obligation to pay the applicable fees, including applicable late payment charges. If this Order is not protested, the company's PATS Certificate No. 7569 shall be cancelled, effective March 3, 2008. If the company pays the RAFs, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's PATS certificate shall be voluntary. If the company fails to protest the Order or pay the RAFs, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the company's PATS certificate shall be cancelled administratively, and the collection of the past due RAFs shall be referred to the Florida Department of Financial Services for further collection efforts. If the company's PATS certificate is cancelled in accordance with this Order, the company shall be required to immediately cease and desist providing pay telephone service in Florida. This docket shall be closed administratively either upon receipt of the payment of the RAFs, including applicable late payment charges, or upon cancellation of the company's PATS certificate. If TeleVend, Inc.'s PATS certificate is cancelled on this Commission's own motion and it subsequently decides to reapply for a certificate as a telecommunications company, TeleVend, Inc. shall be required to first pay any outstanding fees, including accrued statutory late payment charges. We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, 364.3375, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED that pursuant to Rule 25-24.514, Florida Administrative Code, TeleVend, Inc.'s PATS Certificate No. 7569 is hereby cancelled effective March 3, 2008, on this Commission's own motion for failure to pay the 2007 and 2008 Regulatory Assessment Fees, pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that the cancellation of the certificate in no way diminishes TeleVend, Inc.'s obligation to pay the applicable Regulatory Assessment Fees, including applicable late payment charges. If the company's PATS certificate is cancelled and the company subsequently decides to reapply for a certificate as a telecommunications company, that company shall be required to first pay any outstanding fees, including accrued statutory late payment charges. It is further

ORDERED that if TeleVend, Inc. pays the Regulatory Assessment Fees, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, the cancellation of the certificate shall be deemed voluntary. It is further

ORDERED that if TeleVend, Inc. does not pay the Regulatory Assessment Fees, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, the collection of the Regulatory Assessment Fees shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if TeleVend, Inc.'s certificate is cancelled in accordance with this Order, TeleVend, Inc. shall immediately cease and desist providing pay telephone service in Florida. 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 Office of Commission Clerk, 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, this docket shall be closed administratively either upon receipt of payment of the Regulatory Assessment Fees, including any late payment charges, or upon cancellation of the company's pay telephone certificate.

By ORDER of the Florida Public Service Commission this 20th day of June, 2008.



ANN COLE
Commission Clerk

(S E A L)

VSM

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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 11, 2008.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

Paula Isler

From: Paula Isler
Sent: Monday, February 25, 2008 12:03 PM
To: 'telvend@aol.com'
Subject: TeleVend, Inc. (TG740)

TO: Cliff Wilson, President

Dear Mr. Wilson:

The Regulatory Assessment Fee is applicable if a certificate is active for any day during a calendar year whether a certificate holder had any revenues or ever started operations. The fee must be postmarked by January 30th to avoid late payment charges. Our records show the 2007 fee, including late payment charges, has not been received. The fee is .0020 of a certificate holder's intrastate revenues, or the minimum \$100, whichever is greater.

If you owe the minimum and if payment is postmarked by February 29, the amount due is \$106 (\$100 minimum fee, \$5 penalty, \$1 interest). If you owe the minimum and if payment is postmarked between March 1 and March 30, the amount due is \$112 (\$100 minimum fee, \$10 penalty, \$2 interest). As information, the late payment charges continue to accrue until the fee is paid.

Delinquent notices have now been mailed and if a certificate holder does not comply with the notice within 15 days, certificate holders will automatically be fined \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. If TeleVend, Inc. does not comply, it would be automatically fined \$500 since this will be its first offense of the same Regulatory Assessment Fee rule violation.

If you wish to cancel your pay telephone certificate, please write the Commission a letter requesting cancellation. If you want a voluntary cancellation, please include payment of the 2007 and 2008 Regulatory Assessment Fees, including any applicable late payment charges. If full payment is not included, the Commission would still cancel the certificate, it would just be cancelled on the Commission's own motion and any unpaid fees would be turned over to collections.

Please let me know if you have any questions or need a copy of the 2007 (and/or 2008) Regulatory Assessment Fee return form(s). Thanks.

Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6502-Phone
(850) 413-6503-Fax
PIsler@psc.state.fl.us

7/17/2008

Paula Isler

From: Paula Isler
Sent: Wednesday, April 09, 2008 12:16 PM
To: 'telvend@aol.com'
Subject: TG740 - TeleVend, Inc.
Attachments: RAF-TG740-07-0-R.pdf; RAF-TG740-08-0-R.pdf

TO: Cliff Wilson, President

Dear Mr. Wilson:

The Commission received your note requesting cancellation of your pay telephone certificate because you stated you have not installed any payphones. Before the Commission can voluntarily cancel a certificate, any past due and the current year's Regulatory Assessment Fees must be paid.

As information, the Regulatory Assessment Fee is applicable if a certificate is active for any day during a calendar year even if a company had no revenues or ever started operations. This means that in addition to the past due 2007 fee and late payment charges, the 2008 fee is also applicable.

There are two types of cancellation. One is voluntary, which is when a certificate holder writes us and requests cancellation and pays all Regulatory Assessment Fees. The other is involuntary, and is when a certificate is cancelled on the Commission's own motion for violation of a rule, order, or statute. If a certificate is cancelled on the Commission's own motion, any unpaid fees are turned over to collections.

The 2007 and 2008 Regulatory Assessment Fee return forms are attached. Please complete the forms and return them to us with full payment of \$218, which is comprised of the \$100 fee for 2007, \$15 penalty for 2007, \$3 interest for 2007, and \$100 fee for 2008. Please respond by April 24, 2008. Let me know if you have any questions.

Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6502-Phone
(850) 413-6503-Fax
PIsler@psc.state.fl.us

7/17/2008