

State of Florida



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Public Service Commission

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-M-E-M-O-R-A-N-D-U-M-

DATE: November 25, 2008
TO: Ann Cole, Commission Clerk – PSC, Office of Commission Clerk
FROM: Toni J. McCoy, Regulatory Analyst II, Division of Regulatory Compliance *TJM*
RE: Docket No. 080296-TC;

Please add the attached revised PATS application pages 2 and 8 with email correspondence to the docket file.

Call 413-6532, if you have any questions.

Attachments

- COM _____
- ECR _____
- GCL _____
- OPC _____
- RCP _____
- SSC _____
- SGA _____
- ADM _____
- CLK *Donny*

*DocMet updated
11/26/08 RVN.*

DOCUMENT NUMBER-DATE

10964 NOV 26 8

FPSC-COMMISSION CLERK

CERTIFICATE SALE, TRANSFER,
OR
ASSIGNMENT STATEMENT

As current holder of Florida Public Service Commission Certificate Number **3086**, I have reviewed this application and join in the petitioner's request for a

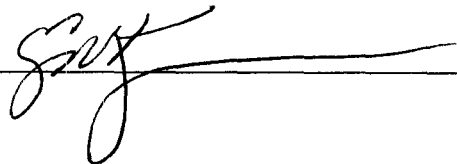
- sale
- transfer
- assignment

of the certificate.

Company Owner or Officer

Print Name: **EUGENE KLIGMANN**
Title: **V. PRESIDENT**
Street/Post Office Box: **5122 W KNOX ST**
City: **TAMPA**
State: **FL**
Zip: **33634**
Telephone No.: **(813) 886-3007**
Fax No.: **(813) 889-8456**
E-Mail Address:

2008 SEP 31 AM 9:33
DIVISION OF
REGULATORY COMPLIANCE

Signature: 

Date: 9/28/08

1. This is an application for (check one):

Original certificate (new company).

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate authority rather than apply for a new certificate.

Approval of Assignment of existing Certificate: Example, a certificated company purchases an existing company and desires to retain the existing certificate of authority and tariff.

Approval for transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company: **COIN-TEL, INC. (CERTIFICATE # 3086)**

3. Name under which applicant will do business (fictitious name, etc.):
COMMERCIAL PAY PHONES, INC. DBA COIN-TEL

4. Official mailing address:

Street/Post Office Box: **8510 NW 56 ST**
City: **MIAMI**
State: **FL**
Zip: **33166**

5. Florida address:

Street/Post Office Box: **8510 NW 56 ST**
City: **MIAMI**
State: **FL**
Zip: **33166**

6. Structure of organization:

Individual
 Foreign Corporation
 General Partnership
 Other,

Corporation
 Foreign Partnership
 Limited Partnership

Hylton Landauer

From: Toni McCoy [TMcCoy@PSC.STATE.FL.US]
Sent: Thursday, September 04, 2008 9:12 AM
To: Hylton Landauer
Cc: Commercial Pay Phones; Ray Kennedy
Subject: RE: Docket No. 080296-TC

You can complete just the pages that need replacing and I will pull the old pages from the application submitted.

From: Hylton Landauer [mailto:hylton@comind.net]
Sent: Wednesday, September 03, 2008 6:03 PM
To: Toni McCoy
Cc: Commercial Pay Phones; Ray Kennedy
Subject: RE: Docket No. 080296-TC

Toni,

Do you require the entire form to be completed again, or can I just complete pages 2 and 8 and resubmit?

Sincerely,
Hylton Landauer

-----Original Message-----

From: Toni McCoy [mailto:TMcCoy@PSC.STATE.FL.US]
Sent: Wednesday, August 27, 2008 10:52 AM
To: Commercial Pay Phones; Ray Kennedy
Cc: hylton landauer
Subject: RE: Docket No. 080296-TC
Importance: High

Mr. Kligmann,

I am the Analyst assigned to process the assignment of Coin-Tel, Inc.'s Pay Telephone Certificate No. 3086/Company Code TE650. I received the assignment application, however, I need you to please correct and resubmit some additional information to complete the filing.

1) Page 2, Question 1 of the application should have the box *Approval of Assignment of existing Certificate* marked and Question 2 should have *Coin-Tel, Inc. (Certificate No. 3086)* listed as the company to be assigned.

2) Page 8, Assignment Statement, should be completed by Coin-Tel, Inc. and the *assignment* box completed. The original owner's signature on the form with Certificate No. 3086 listed at the top.

3) Since we are working with the original company code TE650 for Coin-Tel, Inc. and a new company code for Commercial Pay Phones, Inc. dba Coin-Tel there will be 2 separate Regulatory Assessment Fee (RAF) payments due for each company code in 2008.

If you agree the effective date of this assignment should be the original filing date of your initial request for a simple name change, June 2, 2008, you can submit a RAF payment for Coin-Tel, Inc.'s TE650 for January 1, 2008 - June 2, 2008. This RAF payment is a required action of this filing and must be done before I complete the Recommendation for the assignment of Coin-Tel, Inc.'s Certificate No. 3086

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to Commercial Pay Phones, Inc. dba Coin-Tel.

I can generate a 2008 RAF form for this period and email it to you for completion and payment. The new company code for Commercial Pay Phones, Inc. dba Coin-Tel TH078 will be billed in December 2008 for June 3, 2008 - December 31, 2008, payable on or before January 30, 2009.

These items should be mailed directly to my attention as soon as possible, Toni McCoy, referencing Docket No. 080296-TC on all your correspondence. Let me know if you agree with the effective date I have suggested and I will email you the January 1 - June 2, 2008 RAF form for Coin-Tel, Inc. TE650.

Call if you have any questions,

Toni Joy McCoy
Regulatory Analyst
Florida Public Service Commission
Division of Regulatory Compliance
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
TMCCOY@PSC.STATE.FL.US
850/413-6532 Direct Line
850/413-6533 Fax Line

From: Commercial Pay Phones [mailto:compay@gate.net]
Sent: Tuesday, July 15, 2008 12:48 PM
To: Ray Kennedy
Cc: Toni McCoy; hylton landauer
Subject: Re: Docket No. 080296-TC

We will be filing the application. Thank you

----- Original Message -----

From: Ray Kennedy
To: compay@gate.net
Cc: Toni McCoy
Sent: Wednesday, July 02, 2008 9:35 AM
Subject: Docket No. 080296-TC

Good Morning Gene,

This e-mail is a follow-up to our telephone conversation yesterday. Currently, Docket No. 080296-TC is titled to change the name on Coin-Tel's pay telephone certificate to Commercial Pay Phones, Inc. d/b/a Coin-Tel. We are unable to do the name change in this manner. I believe you will understand why that is after my explanation. Coin-Tel is a corporate entity that was unrelated to Commercial Pay Phones, a separate corporate entity. We do realize that according to documents filed with the Secretary of State that the two entities merged, with the survivor being Commercial Pay Phones.

Your goal is to maintain the Coin-Tel name and certificate to avoid the requirement to change all the placards on the existing Coin-Tel payphones, plus maintain a recognizable brand name. We have no problem with you doing that. What we can't do is give you Coin-Tel's certificate by just doing a name change as you have requested. You will need to complete the pay telephone application and request a transfer of the certificate from Coin-Tel to Commercial Pay Phones and in the same filing request the name to be changed on Coin-Tel's certificate to Commercial Pay Phones, Inc. d/b/a Coin-Tel.

We can accomplish this under the existing docket once we receive your completed application. You will note that in the application for transfer of the certificate, representatives from the losing company (Coin-Tel) are required to sign the documentation agreeing with the transaction. Why is this important? It is

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quite simple. If we process a request to change a name on a certificate (Coin-Tel's) that is not under the ownership and control of the requestor (Commercial Pay Phones), we could be giving someone else's certificate away without the consent of the original owner. This has actually happened once in my 10 years at the PSC. It created quite a stir because another operator, in essence, stole the certificate away from the rightful owner. We reversed it, but we should have been more diligent than to let it happen in the first place. Thus, that is why the application for a transfer is configured such that both parties have to sign. It documents the fact that the losing entity is on-board with the transaction. It keeps everything legal by protecting the losing and gaining entity, and forces us to validate the request. I am sure this makes sense to you.

As far as two certificates, one bearing the name Commercial Pay Phones, Inc. and another bearing the name Commercial Pay Phones, Inc. d/b/a Coin-Tel, we can allow that. Just make sure when you communicate anything to the Commission in the future, clearly identify the proper entity by using the complete names of each entity.

For your convenience, I have attached both a PDF and an interactive Word file for the pay telephone application. The application is designed to do exactly what you are trying to accomplish. There is a fee involved so that should accompany the application. When you submit the application, please reference that the filing is related to Docket No. 080296-TC.

Please call if you have any questions. Toni or I should be able to answer any question you may have.

Ray Kennedy
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Phone: 850-413-6584
Fax: 850-413-6585
E-Mail: rkennedy@psc.state.fl.us