

State of Florida



Public Service Commission

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

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

RECEIVED-FPSC
93 APR 21 PM 3:39
RECORDS AND REPORTING

DATE: APRIL 22, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *DK*
DIVISION OF LEGAL SERVICES (BEDELL) *CB*

RE: DOCKET NO. 981237-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS CERTIFICATE NO. 3613 ISSUED TO FLORIDA PHONE, FOR VIOLATION OF RULES 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.520, F.A.C., REPORTING REQUIREMENTS.

AGENDA: 05/04/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981237.RCM

CASE BACKGROUND

- Pay Telephone Certificate No. 3613 became effective 12/21/93.
- 1997 RAFs Notice mailed 12/11/97 and due 1/30/98.
- USPS returned the notice as "unclaimed." Staff called the telephone number listed in MCD for the company and a recording advised that the number is no longer in service. Staff then called Directory Assistance but no listing was provided.
- Division of Administration advised this company had not paid its 1996 and 1997 RAFs.

DOCUMENT NUMBER-DATE

05129 APR 21 93

FPSC-RECORDS/REPORTING

- Order No. PSC-98-1692-FOF-TC, issued 12/15/98, imposed a \$1,000 fine and ordered payment of the fine and past due amount by January 12, 1999.
- On 12/28/98, Mr. Denny Golladay, called staff and said he requested cancellation of his certificate by fax in June 1995, therefore, he did not owe RAFs for the years 1996 and 1997. He said he did not keep a copy of his letter. He also asked that the Commission correct the name of his business from Florida Phone to Florida Telephone. He stated he would respond to the Order in writing and enclose his original certificate, which was in the correct name of Florida Telephone.
- Company responded to the Order by letter dated January 2, 1999, and included a copy of his original certificate. (Attachment A) He wrote that he went out of business on 6/5/96, requested cancellation of his certificate at that time, and asked that the name of his business be corrected to reflect the correct name of Florida Telephone.
- Staff received a copy of the company's Original Application (Attachment B) from the Division of Records and Reporting. The name on the application is Florida Telephone.
- Order No. PSC-93-1710-FOF-TC, issued 11/29/93, shows the company name as Florida Phone. (Attachment C)
- Department of State, Division of Corporations records show the fictitious name is registered as Florida Phone. (Attachment D)
- The company's 1995 RAF form for the period 1/1/95 to 6/30/95 (Attachment E) shows the name as Florida Phone. The company signed and dated the form on 6/20/95 and did not correct the name on the line provided. The form reflects that the company had eight (8) payphones in operation.
- The company's 1995 RAF form for the period 7/1/95 to 12/31/95 (Attachment F) shows the name as Florida Phone. However, the company did correct the name to reflect Florida Telephone. The company signed and dated the form on 1/26/96. The form reflects that the company had nine (9) payphones in operation.

Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the company a voluntary cancellation of PATS Certificate No. 3613?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should involuntarily cancel the company's certificate with an effective date of June 5, 1996. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, requires the payment of regulatory assessment fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

The Division of Administration notified staff by memorandum that the company had not submitted the 1996 and 1997 regulatory assessment fees (RAFs), along with the 1996 and 1997 statutory penalty and interest charges.

The United States Postal Service (USPS) returned the 1997 RAF form unopened and stamped "return to sender" and "unclaimed." Staff called the telephone number listed in the Master Commission Directory (MCD) for this company, and received a recording that the number was no longer in service. Staff then called Directory Assistance, but no new listing was provided.

On December 15, 1998, Order No. PSC-98-1692-FOF-TC was issued, which imposed a \$500 fine for the RAFs violation and \$500 for the reporting requirements violation, for a total of \$1,000. The Order required payment of the fines and past due amount by January 12, 1999, or stated the company's certificate would be canceled.

On December 28, 1998, Mr. Denny Golladay, owner, called staff and stated that he had requested voluntary cancellation of his certificate by fax in June 1995, therefore, he did not owe the 1996 and 1997 RAFs. Mr. Golladay also stated that he did not keep a copy of the 1995 letter. Mr. Golladay followed up his telephone call by responding to the Order by letter dated January 2, 1999, which included his original certificate (Attachment A). The letter gave the date he closed his business as June 5, 1996, a year later than the date he verbally told staff. Ordinarily, staff would believe that the company had just verbally given the wrong year except for Mr. Golladay's comment that he did not owe the 1996 RAFs since he went out of business in 1995.

Staff obtained a copy of the two 1995 RAF forms from the Division of Administration. The 1995 RAF form for the period January 1, 1995 to June 30, 1995 (Attachment E) was signed and dated June 20, 1995, which was after the June 5th date Mr. Golladay had given staff. The form indicated that the company had eight (8) payphones in operation during the first half of 1995. The 1995 RAF form for the period July 1, 1995 to December 31, 1995 (Attachment F) was signed and dated January 26, 1996. The form indicated that the company had nine (9) payphones in operation during the last half of 1995. Neither form had a note which stated that he went out of business in June 1995.

Although the Commission imposed a \$1,000 fine for the two rule violations, staff does not believe that payment of the fine would serve any purpose since the company has been out of business for almost three years. Therefore, since the company had nine payphones in operation on December 31, 1995, it is staff's belief that the company is responsible for payment of the 1996 regulatory assessment fees, including statutory penalty and interest charges. In addition, since the the 1996 RAFs remain unpaid, staff does not believe it is appropriate to grant the company a voluntary cancellation. Accordingly, the Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should involuntarily cancel the company's certificate with an effective date of June 5, 1996.

ISSUE 2: Should the Commission acknowledge the name of the company as Florida Telephone as stated in the company's original application?

RECOMMENDATION: Yes. The Commission should acknowledge the name of the company as Florida Telephone.

STAFF ANALYSIS: During staff's telephone conversation of December 28, 1998, with the company's owner, Mr. Golladay stated that the Commission had "dropped the ball" on the name of his company because his original application was in the name of Florida Telephone, not Florida Phone, and that his original certificate was issued in the correct name of Florida Telephone.

Staff received a copy of the company's original application from the Division of Records and Reporting in Docket No. 930943-TC. Attachment B is the first page of the original application, which showed the name on the application was Florida Telephone. Order No. PSC-93-1710-FOF-TC, issued November 29, 1993, showed the company name as Florida Phone (Attachment C). Staff then obtained the Florida Department of State, Division of Corporations' records, which showed the fictitious name was registered as Florida Phone (Attachment D). The company's 1995 RAF form for the period July 1 through December 31, 1995, was printed by the Commission as Florida Phone. However, the company corrected the name to reflect Florida Telephone. (Attachment F)

Normally, before processing applications, the name on the application must match the name registered with the Division of Corporations. At this point in time, staff can only guess what happened to the change in name. Regardless, it is staff's belief that the Commission should acknowledge the name of the company as Florida Telephone.

DOCKET NO. 981237-TC
DATE: APRIL 22, 1999

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendations in Issue 1 and 2, this docket should be closed.
(Bedell)

STAFF ANALYSIS: If the Commission approves staff's recommendations in Issue 1 and 2, this docket should be closed.

DOCKET NO. 981237 C
DATE: APRIL 22, 1999
ATTACHMENT A

481237

REC'D

1/2/99

JAN 21 1999

To; Florida Public Service Commission
Attention; Blanca Bayo
Dir. Records and Reporting

From; Denny D. Golladay

Subject; Florida Telephone Was completely closed on June 5
1996.

Your office was notified By Faxed letter at that time .

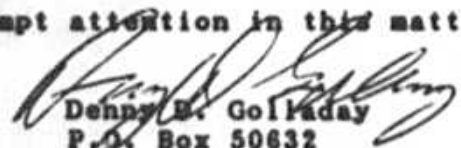
The Certificate is attached to this letter.
After that notification I stopped receiving mail an notices
from your office concerning the Pay Telephone business.

How the name " FLORIDA PHONE " came to pass I have no Idea . I
have never had and never will own a Florida PHONE, Note the
word PHONE not Telephone.

Please note the Certificate says Florida TELEPHONE.

Please see that the Lee county officials are notified as they
are dciving me nuts over this Florida Phone mess. They want me
to pay tax on a company I never owned to start with.

Thank you for your prompt attention in this matter.


Denny D. Golladay
P. O. Box 50632
Ft. Myers, Florida.
33994-0632

RECEIVED

JAN 07

CMU

DOCKET NO. 981237-TC
DATE: APRIL 22, 1999
ATTACHMENT A

Docket No. 930943-TC

Certificate No. 3613

Order No. PSC-93-1710-POF-TC

Date December 21, 1993



Florida Public Service Commission
Telephone Certificate of
Public Convenience and Necessity

Upon consideration of the record in the above numbered docket,
it is ORDERED that authority be and is hereby granted to
FLORIDA TELEPHONE

whose principal address is P.O. Box 50632 Ft. Myers, FL 33905-0632

to provide telecommunication service in accordance with Chapter 364,

Florida Statutes, the Rules, Regulations and Orders of this
Commission, and the conditions and provisions prescribed in
Order No. PSC-93-1710 in the territory described therein.

This Certificate shall remain in force and effect until amended,
suspended, cancelled or revoked by Order of this Commission.

BY ORDER OF THE

Florida Public Service Commission

A handwritten signature in cursive script, appearing to read "David J. Fubler".
DIRECTOR OF RECORDS AND REPORTING

FLORIDA PAY TELEPHONE CERTIFICATE APPLICATION

DEPOSIT TREAS. REC.

DATE

1. LEGAL NAME OF THE APPLICANT

CB 11

Denny D. Golladay

SEP 21 1961
930943-TC

2. NAME UNDER WHICH THE APPLICANT WILL DO BUSINESS

Florida Telephone

ORIGINAL
FILE COPY

3. ADDRESS OF THE APPLICANT(S)

STREET 1671 Newport Ct

CITY Fort Myers

STATE & ZIP Florida

4. TYPE OF ORGANIZATION (Check one and attach documentation requested)

A. INDIVIDUAL DOING BUSINESS UNDER HIS/HER OWN NAME.

DOCUMENTATION: No other documentation needed.

B. PARTNERSHIP:

DOCUMENTATION: Attach a copy of the partnership agreement, and a list with name and address of all partners.

C. CORPORATION:

DOCUMENTATION: Attach proof that articles of incorporation have been filed with the Florida Secretary of State's Office. If incorporated outside of Florida, attach proof from the Florida Secretary of State that applicant has authority to operate in Florida and provide name and address of Florida Registered Agent.

Name _____

Address _____

D. DOING BUSINESS UNDER A FICTITIOUS NAME:

DOCUMENTATION: Attach proof that fictitious name has been registered with the Florida Secretary of States Office.

-9-

DOCUMENT NUMBER-DATE

10245 SEP 22 61

FPC-RECORDS/REPORTING

DOCKET NO. 98123-TC
DATE: APRIL 22, 1999
ATTACHMENT C

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Pay) Telephone Certificate.)	
ORANGE BUSINESS SYSTEMS, INC.)	DOCKET NO. 930981-TC
WILLIAM E. EATON)	DOCKET NO. 930930-TC
FLORIDA PHONE)	DOCKET NO. 930943-TC
OPTI TEL, INC.)	DOCKET NO. 930918-TC
NOT JUST ANOTHER DOUGHNUT SHOP!,)	DOCKET NO. 930997-TC
INC.)	
F.D.N. INVESTMENT, INC.)	DOCKET NO. 931003-TC
ANTHONY DE BRIGIT)	DOCKET NO. 931004-TC
	ORDER NO. PSC-93-1710-FOF-TC
	ISSUED: November 29, 1993

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING PAY TELEPHONE CERTIFICATES

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.

Each of the entities listed in the caption of this Order have filed applications for certificates to provide pay telephone service. These applications were filed pursuant to Section 364.3375, Florida Statutes, which provides that no person may provide pay telephone service without first obtaining from this Commission a certificate authorizing the provision of such service, in accordance with Section 364.335, Florida Statutes, and Rule 25-24.511, Florida Administrative Code.

Upon review, we find that these applications contain the information required for certification as set forth in Sections 364.3375 and 364.335, Florida Statutes, and Rule 25-24.511, Florida

**Florida Division of
Corporations
Public Access**

Inquiry by:

Compact Fictitious Name
Actual Owner Name
Compact Owner Name
Document Number
Owners FEI Number
Owners Document Number
County - Registrations filed Last
Week

Search String:

Search

HomePage

Fic Inquiry Menu:

Please select an inquiry type from the list at left, then enter a search key in the field at right. Press **SEARCH** to begin the search.

03/10/99

FICTITIOUS NAME DOCUMENT SCREEN

16:20:25

SUMMARY FOR FILING: G93267000024

STATUS: EXPIRED

Current Owners: 0001

Pages in all forms/attachments: 0001

Name FLORIDA PHONE

FILED: 09/24/1993

EXPIRES: 12/31/1998

County: LEE

Events filed: 0000

Addr 1671 NEWPORT CT.

FORT MYERS, FL 33907 US

1) OWNER GOLLADAY, DENNY D

1671 NEWPORT CT.

FORT MYERS, FL 33907 US

Summary

----- THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT -----

** NO HISTORY **

Document Image

Pay Telephone Service Provider Regulatory Assessment Fee Return July 30, 1995

STATUS: DOCKET NO. 981237-TC Florida Public Service Commission
 DATE: APRIL 22, 1999 (Instructions for filing on back of form)
 ATTACHMENT E

PERIOD COVERED:
 1/1/95 TO 06/30/95

TE962
 Florida Phone
 P. O. Box 50632
 Ft. Myers, FL 33905-0632

Complete below if address has changed

FOR PSC USE ONLY
 Check # 1353
 \$ 50.00 0603002
 003001
 \$ _____ P
 0603002
 004010
 \$ _____ I
 Payment Date 6/20/95
 Initials of Payor DM

LINE NO.	ACCOUNT CLASSIFICATION	AMOUNT
1.	Gross Operating Revenue	\$ _____
2.	Gross Intrastate Revenue	\$ _____
3.	LESS: Amounts Paid For Services to Other Telephone Companies (Attach Listing) *	\$ (_____)
4.	TOTAL REVENUES For Regulatory Assessment Fee Calculation (Line 2 less line 3)	\$ _____
5.	Regulatory Assessment Fee Due (.150% of Line 4)	\$ _____
6.	LESS: APPROVED Prior-Period Overpayment	\$ (_____)
7.	NET REGULATORY ASSESSMENT FEE DUE	\$ _____
8.	Penalty for Late Payment	\$ _____
9.	Interest for Late Payment	\$ _____
10.	TOTAL AMOUNT DUE - Regardless of the amount of revenues collected, the MINIMUM AMOUNT DUE is \$50.00 Annually *	\$ <u>50.00</u>
11.	Number of payphones in operation at close of period covered by this return	<u>8</u>

*Each amount paid by a pay telephone company to a telecommunications company providing local service for use of the local network shall be deducted from intrastate revenue for purposes of determining the amount of the regulatory fee assessed the pay telephone company.

- 12 -

I, the undersigned owner or 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/her official duty shall be guilty of a misdemeanor of the second degree.

Company Official: Denny D. Golladay (Signature) 6/20/95 (Date) owner (Title)
Denny D. Golladay (Name - Please Print)
 Telephone Number 941 337-5205
 F.E.I. No. _____

Pay Telephone Service Provider Regulatory Assessment Fee Return

DOCKET NO. 981237-TC
 DATE: APRIL 22, 1999
 STATUS ATTACHMENT F
 Florida Public Service Commission
 (See Filing Instructions on Back of Form)

FOR PSC USE ONLY	
Check#	3509
\$	50.00
\$	<i>[Signature]</i>
\$	11/30/96
Postmark Date	1-27-96
Initials of Preparer	KM

Actual Return
 Estimated Return

PERIOD COVERED:
 07/01/95 TO 12/31/95

TE962
 Florida Phone
 P. O. Box 50632
 Ft. Myers, FL 33905-0632
 DEPOSIT. TREAS. REC. DATE
 025 a 30 '96

Please Complete Below If Address Has Changed

Florida Telephone P.O. Box 50632 FT Myers FL 33905-0632
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	AMOUNT
1.	Gross Operating Revenue	\$ _____
2.	Gross Intrastate Revenue	_____
3.	LESS: Amounts Paid for Services to Other Telephone Companies (Attach Listing)*	(_____)
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.	LESS: APPROVED Prior-Period Overpayment	(_____)
7.	NET REGULATORY ASSESSMENT FEE DUE	50.00
8.	Penalty for Late Payment	_____
9.	Interest for Late Payment	_____
10.	TOTAL AMOUNT DUE	\$ 50.00

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

11. Number of pay telephones in operation at close of period covered by this Return 9

*Each amount paid by a pay telephone company to a telecommunications company providing local service for use of the local network shall be deducted from intrastate revenue for purposes of determining the amount of the regulatory fee assessed the pay telephone company.

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 337.06, 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] *[Signature]* 1/26/96
 (Signature of Company Official) (Title) (Date)
Denny D. Galloway Telephone Number (941) 337-5205
 (Please Print Name) F.P.C. No. 3613

981237

RECEIVED
99 JAN -6 AM 8 31
MAIL ROOM

RECE SC

1/2/99

99 JAN 6 AM 10:52

To; Florida Public Service Commission AND
Attention; Blanca Bayo RE: ...TING
Dir. Records and Reporting

From; Denny D. Golladay

Subject; Florida Telephone Was completely closed on June 5 1996.

Your office was notified By Faxed letter at that time .

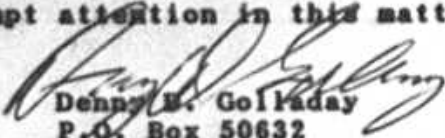
The Certificate is attached to this letter.
After that notification I stopped receiving mail an notices from your office concerning the Pay Telephone business.

How the name " FLORIDA PHONE " came to pass I have no Idea . I have never had and never will own a Florida PHONE, Note the word PHONE not Telephone.

Please note the Certificate says Florida TELEPHONE.

Please see that the Lee county officials are notified as they are driving me nuts over this Florida Phone mess. They want me to pay tax on a company I never owned to start with.

Thank you for your prompt attention in this matter.


Denny D. Golladay
P.O. Box 50632
Ft. Myers, Florida.
33994-0632

RECEIVED

JAN 07

CMU

Docket No. 930943-TC

Certificate No. 3613

Order No. PSC-93-1710-POP-TC

Date December 21, 1993



Florida Public Service Commission

Telephone Certificate of Public Convenience and Necessity

Upon consideration of the record in the above numbered docket,
it is ORDERED that authority be and is hereby granted to
FLORIDA TELEPHONE

whose principal address is P.O. Box 50632 Ft. Myers, FL 33905-0632

to provide telecommunication service in accordance with Chapter 364,

Florida Statutes, the Rules, Regulations and Orders of this

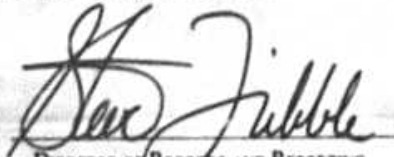
Commission, and the conditions and provisions prescribed in

Order No. PSC-93-1710 in the territory described therein.

This Certificate shall remain in force and effect until amended,
suspended, cancelled or revoked by Order of this Commission.

BY ORDER OF THE

Florida Public Service Commission


DIRECTOR OF RECORDS AND REPORTING

