

State of Florida  
**Public Service Commission**

2540 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-0850

1093-PAA



Florida Phone  
 Denny D. Golladay  
 P. O. Box 50632  
 Ft. Myers FL 33905-0632



PLEASE FILE PHONE  
 SERVICE REQUEST  
 12/19

CERTIFIED MAIL  
 Return Receipt  
 No. 99-141

33994-0632

Read on the reverse side?

**RECEIVED:**  
 a) Complete items 1 and/or 2 for additional services.  
 b) Complete items 3, 4a, and 4b.  
 c) Print your name and address on the reverse of this form so that we can return the card to you.  
 d) Attach this form to the front of the package, or on the back if space does not permit.  
 e) Return Receipts are not valid unless the Return Receipt is attached to the package before the article number.  
 f) The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: 981237 4a. Article Number 95-411

Florida Phone  
 Denny D. Golladay  
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I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
  - 2.  Restricted Delivery
- Consult postmaster for fee.

Certified  
 Insured  
 COD

Press (Only if requested)

Thank you for using Return Receipt Service.

is your   
 6. Signature: (Addressee or Agent)  
 PS Form 3811, December 1994

Domestic Return Receipt

APP  
 CAF  
 CMU  
 CTR  
 EAG  
 LEG  
 MAS  
 OPC  
 RRR  
 SEC  
 WAW  
 OTH

DOCUMENTED  
 07624-99  
 6-23-99

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Pay Telephone 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.

DOCKET NO. 981237-TC  
ORDER NO. PSC-99-1093-PAA-TC  
ISSUED: June 1, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CANCELING PAY TELEPHONE CERTIFICATE INVOLUNTARILY

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 formal proceeding pursuant to Rule 25-22 029, Florida Administrative Code.

Florida Phone (Florida Phone) currently holds Certificate of Public Convenience and Necessity No. 3613, issued by the Commission on December 21, 1993, authorizing the provision of Pay Telephone service. Florida Phone has not paid the regulatory assessment fees [RAF(s)] required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the years 1996 and 1997. Also, accrued statutory penalties and interest charges for the years 1996 and 1997 have not been paid. Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 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

DOCUMENT NUMBER-DATE

06700 MAY 28 88

FPC-RECORDS/REPORTING

Florida Public Service Commission by January 30 of the subsequent year. All entities that apply for certification receive a copy of our rules governing Pay Telephone service. All applicants must attest that these rules have been received and understood by the applicant and an affidavit must be attached to the application in order for the application to be processed.

Pursuant to Section 350.113(4), Florida Statutes, the RAFs 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 fees is due. Florida Phone has been given adequate opportunity to pay. The Commission's correspondence regarding the RAFs was returned unopened to us by the United States Postal Service stamped "return to sender" and "unclaimed."

On December 15, 1998, Order No. PSC-98-1692-FOF-TC was issued, imposing a \$500 fine for RAFs violation, a \$500 fine for reporting requirements violation, and requiring payment of the fines and past due RAFs, along with statutory penalties and interest charges accrued, by January 12, 1999, or the company's certificate would be canceled.

On December 28, 1998, Mr. Denny Golladay, owner, contacted our staff and stated that he had requested by fax the cancellation of the company's certificate in June of 1995. He further stated that this Commission had made an in error in stating the correct name of the company when Order No. PSC-93-1710-FOF-TC, issued on November 29, 1993, was issued. Mr. Golladay followed up his telephone call by responding to the Order by letter dated January 2, 1999. The letter included his original certificate and reflected the date he closed his business as June 5, 1996.

Therefore, Florida Phone did not complied with Rule 25-24.514(2), Florida Administrative Code, which states:

(2) If a certific ed company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be canceled.

Accordingly, since the company's certificate remains active until it requests a voluntary cancellation pursuant to Rule 25-24.514(2), Florida Administrative Code, or we involuntarily cancel the certificate, Florida Phone is responsible for the 1996 RAFs. As of the date of this vote, Florida Phone continues to be in violation of our rules for non-payment of RAFS for 1996.

In order to address Mr. Golladay's concern with the discrepancy in the name of the company, our staff sought to obtain a copy of the two 1995 RAFs forms from the Division of Administration. The 1995 RAFs form for the period January 1, 1995 to June 30, 1995 was signed and dated June 20, 1995. 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 was signed and dated January 26, 1996. This form indicated that the company had nine (9) payphones in operation during the last half of 1995. Neither form had a statement notifying us that his business had gone out of business in June 1995.

Review of the company's original application from the Division of Records and Reporting in Docket No. 930943-TC reflects the name Florida Telephone. Inquiry at the Florida Department of State, Division of Corporations reflects that the fictitious name was registered as Florida Phone. 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. Before processing applications, we review the name listed on the application to confirm that the name matches with the name registered with the Division of Corporations. Therefore, since the company corrected the name in the 1995 RAFs form, we find it appropriate to acknowledge the name change from Florida Phon to Florida Telephone.

For the reasons described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we deny Florida Telephone's request for voluntary cancellation of Pay Telephone Certificate No. 3613 for failure to comply with the provisions of 25-24.514(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel Florida Telephone's certificate, effective June 5, 1996, for failure to pay RAFS pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161,

Florida Administrative Code. Since Florida Telephone is no longer in business, there would be no purpose in requiring Florida Telephone to pay a fine. By involuntarily canceling Florida Telephone's certificate, however, we will be able to track this company should it apply for another certificate with us in the future. The cancellation of the certificate and the closing of the Docket in no way diminishes Florida Telephone's obligation to pay applicable delinquent RAFS, statutory penalties, and interest charges for 1996.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby acknowledge the name change from Florida Phone to Florida Telephone. It is further

ORDERED that we hereby deny Florida Telephone's request for voluntary cancellation of Pay Telephone Certificate No. 3613. It is further

ORDERED that pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we hereby cancel Florida Telephone's Pay Telephone Certificate No. 3613, effective June 5, 1996, for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that Florida Phone remains obligated for all due and owing regulatory assessment fees for the year 1996, as well as accrued statutory penalties and interest charges for 1996. 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 Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

ORDER NO. PSC-99-1093-PAA-TC  
DOCKET NO. 981237-TC  
PAGE 5

By ORDER of the Florida Public Service Commission, this 1st  
day of June, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

KMP

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 Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 22, 1999.

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.

# Pay Telephone Service Provider Regulatory Assessment Fee Return

## Florida Public Service Commission

(See Filing Instructions on Back of Form)

**STATUS:**

\_\_\_\_\_ Actual Return  
 \_\_\_\_\_ Estimated Return

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

**PERIOD COVERED:**  
 01/01/1997 TO 12/31/1997

FOR PSC USE ONLY	
Check# _____	
\$ _____	0603002
	003001
\$ _____	P
	0603002
	004011
\$ _____	I
Postmark Date _____	
Initials of Preparer _____	

Please Complete Below If Official Mailing Address Has Changed

\_\_\_\_\_  
 (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 Local Telephone Companies (Attach Listing)*	( _____ )
4.	<b>TOTAL REVENUES for Regulatory Assessment Fee Calculation (Line 2 less Line 3)</b>	\$ _____
5.	Regulatory Assessment Fee Due — (Multiply Line 4 by 0.0015)	_____
6.	Penalty for Late Payment	_____
7.	Interest for Late Payment	_____
8.	<b>TOTAL AMOUNT DUE</b>	\$ _____

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 \_\_\_\_\_

\*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 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)  
 \_\_\_\_\_  
 (Please Print Name) Telephone Number ( ) Fax Number ( )  
 P.E.I. No. \_\_\_\_\_

**FLORIDA PUBLIC SERVICE COMMISSION**  
Instructions For Filing Regulatory Assessment Fee Return  
(Pay Telephone Service Provider)

1. **WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30* for the six-month period January 1 through June 30, **AND**  
*On or before January 30* for the six-month period July 1 through December 31.

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before January 30* for the prior twelve-month period January 1 through December 31.

However, if July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee may be filed or postmarked on the next business day, without penalty.

2. **FEES:** Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.016(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts other than the amount on Line 3.

3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due. 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 6). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 7). **A Regulatory Assessment Fee Return must be corrected, resubmitted and filed even if there are no revenues to report or if the minimum amount is due.**

*When a company fails to file a Regulatory Assessment Fee Return, the Commission may order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.*

4. **EXTENSION:** A company, for good cause shown in a written request, may be granted an extension up to 30 days. A request should be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/ADM-124), two weeks prior to the filing date. If an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or  
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.

6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your records, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallah. ee, FL 32399-0850

ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional information or assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Auditing and Financial Analysis at (850) 413-6480.

For assistance with Item 9, please contact the Division of Communications at (850) 413-6556.

Both divisions may be contacted at the above-referenced address, directing correspondence to the attention of the division.



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**PERIOD COVERED:**  
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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)

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(Signature of Company Official)

(Title)

(Date)

(Please Print Name)

Telephone Number ( ) Fax Number ( )

F.E.I. No. \_\_\_\_\_

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