

Michael V. Davis
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DIVISION OF
ADMINISTRATION
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FLORIDA
PUBLIC SERVICE COMMISSION

Florida Public Service Commission
Ms. Paula Isler, Telecommunications Dept.
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

November 23, 1999

VIA EXPRESS MAIL #EK301517770US

RE: Docket 991349-TC

Dear Ms. Isler:

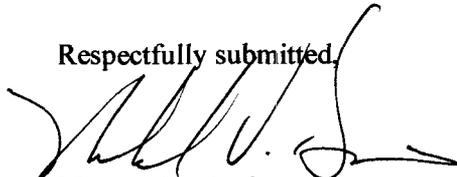
Enclosed you will find a completed Pay Telephone Service Provider Regulatory Assessment Fee Return and a check in the amount of \$67.50 to cover the Regulatory Assessment Fee for 1998, the late fee and interest for Certificate #5976 issued under my name.

As we discussed, I was aware that an Assessment Fee was due each calendar year based on the affidavit I signed in my original application for certification. When I did not receive a return in January 1999, I called the PSC to inquire about whether the fee would be due for 1998, since my certificate was finalized 10 days before the end of the year. I was told that if I had not received a return, I would not be liable for the fee until the following year, given that my certificate was granted at the end of the year and I had no revenue. It is now abundantly clear to me that this information was erroneous.

Notwithstanding the above, I would certainly have responded to a delinquent notice, which according to your records was mailed to my address on March 17, 1999. No such notice ever arrived. I saw today that the zip+4 suffix that the PSC added to my address is incorrect (it should be 8025, not 8005). This may explain why the delinquent notice was not received. However, the three other entities that received certificates on the same day as me (see attached) are also being fined for non-payment of the Assessment Fee. Could it be that all four of us "slipped through the cracks" and the returns or delinquent notices were never mailed to us because of a clerical error?

I have invested thousands of dollars in payphones and don't expect to see a return on my investment for at least two years. If it is the Commission's final decision to impose a \$500.00 fine, I will pay it rather than lose my certificate and my investment. But I would ask you to reconsider your recommendation based on the circumstances outlined above. Please advise me of your final decision prior to the issuing of the Consumating Order. I may be contacted at 407-323-4101 or by cell phone at 407-928-3811. Thank you for your kind consideration.

Respectfully submitted,



Michael V. Davis

Enc.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Applications for
certificates to provide pay
telephone service by:

Michael V. Davis
Marie Platel-Wesh
American Teller & Communications
Inc.
Carl Wenger

DOCKET NO. 981393-TC
DOCKET NO. 981397-TC
DOCKET NO. 981399-TC
DOCKET NO. 981429-TC

ORDER NO. PSC-98-1589-FOF-TC
ISSUED: November 30, 1998

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATES TO
PROVIDE PAY TELEPHONE SERVICE

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.

The entities listed below have applied for certificates to
provide Pay Telephone (PATS) service pursuant to Section 364.3375,
Florida Statutes. Upon consideration of their applications, it
appears to be in the public interest to grant the following PATS
certificates to the entities listed below.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>
Michael V. Davis	5976
Marie Platel-Wesh	5977
American Teller & Communications Inc.	5980
Carl Wenger	5979

Agenda for
Commission Conference
November 30, 1999

ITEM NO.

CASE

25**PAA

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991348-TC - Parallel Foundation, Inc.
DOCKET NO. 991349-TC - Michael V. Davis
DOCKET NO. 991351-TC - Marie Platel-Wesh
DOCKET NO. 991352-TC - American Teller & Communications Inc.
DOCKET NO. 991353-TC - Carl Wenger
DOCKET NO. 991358-TC - SM 106 Ltd.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JC

Staff: CMU: ^{PAULA} Isler
LEG: K. Peña, B. Keating

Issue 1: Should the Commission impose a \$500 fine or cancel the pay telephone certificates issued to each company listed on page 4 of staff's November 18, 1999 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's certificate listed on page 4 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the pay telephone certificates listed on page 4 should be canceled administratively.

Issue 2: Should these dockets be closed?

Recommendation: Yes, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the proposed agency action order.