

REQUEST TO ESTABLISH DOCKET

(PLEASE TYPE)

Date 4/10/01

Docket No. 010455-TC

- 1. Division Name/Staff Name Division of Regulatory Oversight/McCoy
- 2. OPR Division of Regulatory Oversight/McCoy *JM*
- 3. OCR Legal Services
- 4. Suggested Docket Title Request for Cancellation of Pay Telephone Certificate No. 5376  
New Sky Enterprises, Inc., effective 2/28/01.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

NOTE: CHECK COPY IN FILING

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2. Interested Persons and their representatives (if any)

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6. Check one:

- Documentation is attached.
- Documentation will be provided with recommendation.

I:\PSC\RAR\WP\ESTDKT.  
PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE  
04487 APR 11 2001  
FPSC-RECORDS/REPORTING

*V.P. Isler  
RAF*

01.88.09

**New Sky Enterprises, Inc.**  
790 Millshore Drive  
Chuluota, FL 32766  
407-359-2124

# Memo

DEPOSIT      DATE  
D0320      MAR 05 2001

*CK 5409  
\$ 50.00-R  
2/26/01  
MC*

**To:** Jackie Knight  
**From:** Bill Merckel *Bill Merckel*  
**Date:** 02/26/2001  
**Re:** Cancellation of Pay Phone Provider License for TG075, New Sky Enterprises, Inc.

Per our telephone discussion today, please cancel the Pay Phone Provider license for New Sky Enterprises, Inc. TG075, effective April 19, 1999. New Sky Enterprises, Inc. sold all assets to another provider on the date referenced above. NSE has not been involved in providing payphone service since that date. NSE was unaware that it had to provide a cancellation notification to the PSC. Upon receiving this letter, please send documentation to the address of record that states cancellation of NSE's license to provide payphone service.

Also, per our discussion, please find a check for \$50.00 that's pay for NSE's 2000-RAF.

If you have any questions or concerns, please call me.

COMPLIANCE SERVICES  
01 FEB 28 11 32 AM '01  
2001 MAR -5 PM 3:26



P. Isler  
ROR

01 FEB 28 AM 10:5  
MAIL ROOM

**New Sky Enterprises, Inc.**  
790 Millshore Drive  
Chuluota, FL 32766  
407-359-2124

CK 5409  
\$ 50.00-R  
2/26/01  
MC

# Memo

DEPOSIT  
D032

DATE  
MAR 05 2001

**To:** Jackie Knight  
**From:** Bill Merckel *Bill Merckel*  
**Date:** 02/26/2001  
**Re:** Cancellation of Pay Phone Provider License for TG075, New Sky Enterprises, Inc.

Per our telephone discussion today, please cancel the Pay Phone Provider license for New Sky Enterprises, Inc. TG075, effective April 19, 1999. New Sky Enterprises, Inc. sold all assets to another provider on the date referenced above. NSE has not been involved in providing payphone service since that date. NSE was unaware that it had to provide a cancellation notification to the PSC. Upon receiving this letter, please send documentation to the address of record that states cancellation of NSE's license to provide payphone service.

Also, per our discussion, please find a check for \$50.00 that's pay for NSE's 2000 RAF.

If you have any questions or concerns, please call me.

<b>M</b>	William or Scarlett Merckel 011 Ph. 407-366-6493 790 Millshore Drive Chuluota, FL 32766	DATE <u>2-23-01</u>	5409
		83-8208/2831	
PAY TO THE ORDER OF	<u>Public Service Commission</u>	\$ <u>50.00</u>	
MEMO - 119.07(1)(z), Florida Statutes: Bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of any fee or debt owing are confidential and exempt from subsection (1) and s.24(a), Art. 1 of the State Constitution . . .		DOLLARS	

JRM  
4/9/01

COMPANY NAME: New Sky Enterprises, Inc. CO. CODE: TG075

COMPANY LIAISON: William James Merckel, Vice President

DOCKET NO.: \_\_\_\_\_ CERTIFICATE NO.: 5376 EFFECTIVE: 06/21/97

DATE USPS RETURNED RECEIPT: \_\_\_\_\_

DATE USPS RETURNED ENVELOPE: \_\_\_\_\_

DATE OF ADMIN'S MEMO: \_\_\_\_\_

DATE OF RAR'S MEMO: \_\_\_\_\_

YEAR(s) RAFs NOT PAID: 2001

YEAR(s) PENALTIES & INTEREST NOT PAID: 1998 (\$3); 2000 (\$3)

OTHER RAF INFO: \_\_\_\_\_

DATE LOTUS CHECKED FOR PAYMENT: \_\_\_\_\_

**OTHER INFORMATION**

03/05/01 - Admin forwarded a copy of a memo dated 02/26/01 from company

requesting cancellation of its certificate with an effective date

of 04/19/99. The company advised it had sold its assets to

another provider and was unaware it had to notify the PSC it was

no longer in business.

03/06/01 - Wrote company: 1) Owes \$3 P&I for 1998; 2) Owes \$3 P&I for 2000;

3) Owes \$50 for 2001; 4) Response due 03/21.

4/5/01 - Rec'd CK for P.D. amt, including 2001 RAF

4/6/01 - Forwarded to J. Gilchrist, RGD to open CK  
Voluntary Cancellation, Eff. 2/28/01.

**RECEIVED**

**APR 09 2001**

Florida Public Service Commission  
Division of Regulatory Oversight

STATE OF FLORIDA

Commissioners:  
E. LEON JACOBS, JR., CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMPETITIVE SERVICES  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

## Public Service Commission

March 6, 2001

Mr. William J. Merckel, Vice President  
New Sky Enterprises, Inc.  
790 Millshore Drive  
Chuluota, FL 32766-9308

**Re: Certificate No. 5376 (TG075)**

Dear Mr. Merckel:

The Commission has received your memo dated February 26 requesting cancellation of your certificate effective April 19, 1999, along with your check for \$50 for the 2000 Regulatory Assessment Fee (RAF). As information, certificates remain active until cancelled by the Commission. Also, the RAF is due on each certificate if that certificate is active for any day during a calendar year. This means that since you did not request cancellation of your certificate until February 26, 2001, you are responsible for the RAF for 2001 (return enclosed) and we cannot make the effective date retroactive.

There are two types of cancellations. One is voluntary and is requested by the certificate holder. A voluntary cancellation is granted if the company is in good standing with the Commission and does not have a past due balance. The other type is an involuntary cancellation. An involuntary cancellation is granted when a company is not in good standing with the Commission.

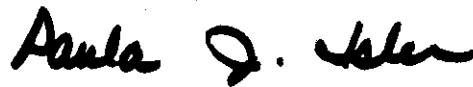
In this case, Commission records show that New Sky Enterprises has a past due balance of \$3.00 for late payment of the 1998 RAF and a \$3.00 balance for late payment of the 2000 RAF (breakdown enclosed). You can either go ahead and pay the 2001 RAF when you pay the \$6.00 penalty and interest balance or, provide a date certain that the 2001 payment will be made.

I am enclosing a copy of Rule 25-24.514, Florida Administrative Code, which deals with cancellations. Please review this information and respond by March 21, 2001. It should be noted that if a company does not pay all outstanding charges, the unpaid balance is turned over to the Comptroller's Office for further collection efforts.

If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and by internet e-mail at [pisler@psc.state.fl.us](mailto:pisler@psc.state.fl.us).

Mr. William J. Merckel, Vice President  
Page 2  
March 6, 2001

Sincerely,

A handwritten signature in black ink that reads "Paula J. Isler". The signature is written in a cursive style with a large initial "P" and a distinct "J" and "I".

Paula J. Isler, Research Assistant  
Bureau of Service Evaluation & Compliance

Enclosures

New Sky Enterprises (TG075)  
Certificate No. 5376, Effective 06/21/97

Year	Fee	Penalty	Interest	Notes
1998	Paid	\$2.50	\$0.50	The company paid the fee on 03/03/99, but not the penalty and interest charges.
2000	Paid	\$2.50	\$0.50	The company paid the fee on 02/26/01, but not the penalty and interest charges.
2001	\$50.00	N/A	N/A	2001 fee is due 01/30/02, but can be paid prior to that date.
<b>Total</b>	<b>\$50.00</b>	<b>\$5.00</b>	<b>\$1.00</b>	<b>Grand Total: \$56.00</b>



**25-24.514 Cancellation of a Certificate.**

- (1) The Commission may cancel a company's certificate for any of the following reasons:
- (a) Violation of the terms and conditions under which the authority was originally granted;
  - (b) Violation of Commission rules or orders;
  - (c) Violation of Florida Statutes; or,
  - (d) Failure to provide service for a period of six (6) months.

(2) If a certificated 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 cancelled.

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.127(1), 364.03, 364.285, 364.337, 364.345 FS.

History--New 1-5-87.

## Pay Telephone Service Provider Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:  
01/01/2001 TO 12/31/2001

### Florida Public Service Commission

(See Filing Instructions on Back of Form)

TG075  
New Sky Enterprises, Inc.  
790 Millshore Drive  
Chuluota, FL 32766-9308

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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LINE NO.	ACCOUNT CLASSIFICATION	AMOUNT
1.	Gross Operating Revenue (Florida)	\$ _____
2.	Gross Intrastate Revenue	_____
3.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)	( _____ )
4.	<b>TOTAL REVENUES for Regulatory Assessment Fee Calculation</b> (Line 2 less Line 3)	\$ _____
5.	Regulatory Assessment Fee Due — (Multiply Line 4 by 0.0015)	_____
6.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____
7.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____
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 \_\_\_\_\_

\* These amounts must be intrastate only and must be verifiable.

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)
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(Preparer of Form - Please Print Name)	Telephone Number ( _____ )	Fax Number ( _____ )
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F.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 25-4.0161(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.

On Line 3, deduct any amount paid to another telecommunications company for the use of any telecommunications network (including installation charges) to provide service to its customers. *Do not deduct any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire maintenance, or equipment purchases/rentals.* **DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.**

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 completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

*When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to 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 request for an extension of time up to 30 days may 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. When 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. Make your check payable to the Florida Public Service Commission. If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850  <b>ATTENTION: Fiscal Services</b>
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7. **ADDITIONAL ASSISTANCE:** If you need additional information or assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Competitive Services at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

COMPANY IDENTIFICATION

Printed on 04/10/2001 at 10:27:58 by TJM

Complete Name: New Sky Enterprises, Inc.

Mailing Name: New Sky Enterprises, Inc.

Company Code: TG075 FEID Number: 59-3345624

COMPANY INFORMATION

Address Line 1: 790 Millshore Drive

Address Line 2:

City: Chuluota State: FL Zip Code: 32766-9308

Reg. Date: 06/21/1997 Inactive Date:

Transferred To:

Trans. From:

Certificate 1: 5376 Certificate 2:

Corporate Type:

Service 1: PAT - Pay Telephone

Service 2:

Service 3:

Service 4:

Class (WAW):

Phone Count:

County 1: County 2:

County 3: County 4:

Bankruptcy: No

COMPANY IDENTIFICATION

Printed on 04/10/2001 at 10:27:51 by TJM

Complete Name: New Sky Enterprises, Inc.

Mailing Name: New Sky Enterprises, Inc.

Company Code: TG075 FEID Number: 59-3345624

MAILING INFORMATION

Attention:

Address Line 1: 790 Millshore Drive

Address Line 2:

City: Chuluota State: FL Zip Code: 32766-9308

E-mail Address:

Web Address:

Liaison 1: William James Merckel

Liaison 2:

Title: Vice President

Title:

Phone: (407) 359-2124

Phone:

E-mail:

E-mail:

Fax 1:

Fax 2:

County: