

STATE OF FLORIDA

Commissioners:
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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

May 16, 2001

Ms. Susan Parker
Digital Imaging & Graphics, Inc.
4460-2 Camino Real Way
Fort Myers, FL 33912

**Re: Docket No. 010540-TC
Payphone Advertising Media, Inc.**

Dear Ms. Parker:

This is a follow up to our telephone conversation this morning concerning the above docket. It is my understanding from our conversation that Digital Imaging & Graphics, Inc. (DIGI) purchased the payphones owned and operated by Payphone Advertising Media, Inc. (PAM) and that DIGI is now operating those payphones. I also understood that there was no relationship between the two corporations and that PAM no longer exists.

According to the Florida Department of State, Division of Corporations, PAM's principal address is the same one you gave me as DIGI's address. In addition, PAM's officers are listed as Lawrence P. O'Reilly, Eileen M. O'Reilly, and Michael Pickett. DIGI's officers are listed as Rod Benson, Lawrence P. O'Reilly, and Michael Pickett. Both are active corporations in Florida.

During our conversation, I advised you to resolve this docket and apply for a certificate in DIGI's name. However, after discussion with my supervisor and after discovering that there are officers in common with both corporations, my advice has changed. A copy of this letter is being provided to Mr. Pickett, who is listed as PAM's official liaison with the Commission and is an officer in both corporations.

As I explained in our conversation, pay telephone certificates are nontransferrable. In addition, Commission records do not show that a written request for cancellation has been received from PAM, as required by Rule 25-24.514, Florida Administrative Code, (copy attached). This means that it appears DIGI is operating without a certificate. DIGI is hereby put on notice that an application for a pay telephone certificate, or written explanation why DIGI should not be required to obtain a certificate of public convenience, must be filed with this Commission by May 31, 2001.

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An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

DOCUMENT NUMBER - DATE

06229 MAY 17 01

FPSC-RECORDS REPORTING

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Failure to respond in a timely manner may result in legal action. Further, if it is ultimately determined that DIGI has violated either Section 364.3375, Florida Statutes or Rule 25-24.510, Certificate of Public Convenience and Necessity Required, Florida Administrative Code, it could be subject to a fine of up to \$25,000.00 for each offense pursuant to Section 364.285, Penalties, Florida Statutes, for every day it was in violation.

This correspondence represents an interpretation by the staff of the Florida Public Service Commission regarding the statutes and rules which appear to apply to your circumstances. It is provided for your convenience and is not a formal decision by the Commission. Any formal determination of your substantial interests regarding matters within the jurisdiction of this Commission will be made pursuant to the provisions of Chapter 120, Florida Statutes and Chapter 25-22, Florida Administrative Code.

Docket No. 010540-TC established against PAM, deals with nonpayment of the Regulatory Assessment Fee (RAF). The RAF is due each year by January 30 for the previous year, unless the 30th falls on a weekend, then the due date is the next working day. For example, the 1999 fee was due January 31, 2000 and the 2000 fee was due January 30, 2001.


Commission records show that as of this date, the 2000 RAF has not been paid. The 2000 RAF return for PAM's certificate is attached. If PAM wishes to resolve this docket, it should complete and return the form, along with payment for the past due amount in full. The RAF is .0015% of the company's total Florida gross revenues, or \$50.00, whichever is greater. However, if the company owes only the minimum amount and if it is postmarked by May 30, 2001, the 2000 total is \$62.00 (\$50.00 fee, \$10.00 penalty, and \$2.00 interest). If payment is postmarked between May 31 and June 29, 2001, the penalty increases to \$12.50 and the interest increases to \$2.50 on the minimum, or a total minimum amount of \$65.00.

PAM has four options. Information on all four options is attached. Two options deal with cancelling the certificate and two deal with keeping the certificate active.

Concerning this docket, please let me know what PAM's decision is by May 31, 2001. If you wish to discuss this or 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.

Ms. Susan Parker
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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 long, sweeping underline.

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

cc: Docket No. 010540-TC
Division of Legal Services (K. Peña)
Mr. Mike Pickett, President, PAM

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.

CANCELLATION OF THE CERTIFICATE

- **Voluntary Cancellation** - In order to be granted a voluntary cancellation, the company must: 1) write a letter requesting cancellation of the certificate and explain why (such as no longer in the payphone business); 2) pay all past due charges in full; and 3) pay the 2001 Regulatory Assessment Fee (RAF) or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling the certificate).
- **Involuntary Cancellation** - If the company does nothing to resolve this docket, the certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection. In addition, Rule 25-24.511(5), F.A.C., states that "Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled." This means that if the company chooses this option, it could not reapply for a new certificate at a later date.

TO KEEP THE CERTIFICATE ACTIVE

- Pay the past due RAF amount in full, including statutory penalty and interest charges, plus the fine imposed, after the Order is issued and the certificate will remain active. Just paying the past due amount will not prevent your certificate from being cancelled.
- Propose a settlement - All settlements must include the following elements:
 - 1) Docket number;
 - 2) A check for the past due amount in full. It should be noted that just paying the past due amount will not prevent your certificate from being cancelled;
 - 3) A statement that the company has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
 - 4) A waiver of objection to the administrative cancellation of the certificate in the event your offer is accepted and you fail to comply with the terms which you have offered; and
 - 5) Make a specific monetary settlement.

Any settlement offer should be addressed to Ms. Blanca Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 10 business days after the Commission Order is issued.



Florida Profit

DIGITAL IMAGING & GRAPHICS, INC.

PRINCIPAL ADDRESS

2158 COLONIAL BLVD
 SUITE F
 FORT MYERS FL 33907
 Changed 03/14/2000

MAILING ADDRESS
 4460-2 CAMINO REAL WAY
 FORT MYERS FL 33912

Document Number
 P99000060998

FEI Number
 650930529

Date Filed
 07/02/1999

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Registered Agent

Name & Address
BENSON, RODNEY E 4460-2 CAMINO REAL WAY FORT MYERS FL 33912

Officer/Director Detail

Name & Address	Title
BENSON, ROD 4460-2 CAMINO REAL WAY FORT MYERS FL 33912	PS
O'REILEY, LAWRENCE P FOUNTAIN HEFARY 8250 NW 136 ONE RD Ocala FL 34482	VP
PICKETT, MICHEAL P 105 S.E. 12TH AVE CAPE CORAL FL 33990	VP

Annual Reports

Report Year	Filed Date	Intangible Tax
2000	03/14/2000	

[Previous Filing](#)

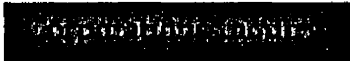
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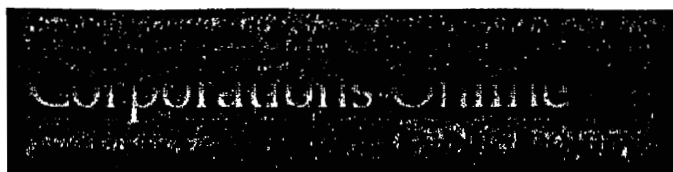
[Next Filing](#)

No Events
No Name History Information

[View Document Image\(s\)](#)

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Florida Profit

PAYPHONE ADVERTISING MEDIA, INC.

PRINCIPAL ADDRESS
 4460 CAMINO REAL WAY
 #2
 FORT MYERS FL 33912 US
 Changed 02/15/2000

MAILING ADDRESS
 P.O. BOX 07478
 SUITE D
 FT. MYERS FL 33919 US
 Changed 04/13/1998

Document Number
 P97000038706

FEI Number
 650827323

Date Filed
 04/29/1997

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Registered Agent

Name & Address
O'REILLY, LAWRENCE P 4460 CAMINO RAL WAY #1 FORT MYERS FL 33912 Address Changed: 02/15/2000

Officer/Director Detail

Name & Address	Title
O'REILLY, LAWRENCE P 4460 CAMINO RAL WAY #1 FT. MYERS FL 33907	VP
O'REILLY, EILEEN M 4460 CAMINO RAL WAY #1 FORT MYERS FL 33912	P
PICKETT, MICHAEL 4460 CAMINO RAL WAY #1 FORT MYERS FL 33912	P

Annual Reports

Report Year	Filed Date	Intangible Class
1998	04/13/1998	Y
1999	03/10/1999	
2000	02/15/2000	

[Previous Filing](#)

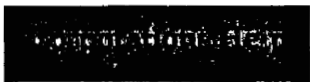
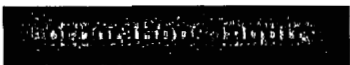
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No Events
No Name History Information

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Pay Telephone Service Provider Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- _____ Actual Return
- _____ Estimated Return
- _____ Amended Return

PERIOD COVERED:
01/01/2000 TO 12/31/2000

TG396
 Payphone Advertising Media, Inc.
 4460 Camino Real, Suite 2
 Ft. Myers, FL 33912-1050

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)
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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.	TOTAL REVENUES for Regulatory Assessment Fee Calculation (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.	TOTAL AMOUNT DUE	\$ _____

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)
(Preparer of Form - Please Print Name)	Telephone Number () _____	Fax Number () _____
	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 ATTENTION: Fiscal Services
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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.