

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  
(850) 413-6600

Public Service Commission

July 25, 2001

Via Facsimile

Mr. Harold V. Hickey, President  
Fine Fones, Inc.  
1570 Madruga Avenue, Suite 209  
Coral Gables, FL 33134-3012

Dear Mr. Hickey:

This is a follow up to our telephone conversation concerning the above docket. The Regulatory Assessment Fee (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 is attached. Please complete and return it along with payment for the past due amount in full. The RAF is .0015% of your total Florida gross revenues, or \$50.00, whichever is greater. Since you stated the company never got into the payphone business, Fine Fones will owe only the minimum. If payment is postmarked by July 29, the 2000 total is \$65.50 (\$50.00 fee, \$12.50 penalty, and \$3.00 interest). If payment is postmarked between July 30 and August 28, 2000, the interest increases to \$3.50, or a total minimum amount of \$66.00. Interest continues to accrue until paid. Our records also show that you have a penalty and interest balance in the amount of \$6.00 for late payment of the 1999 RAF. A breakdown is attached.

The RAF is due if a certificate is active for any one day during a calendar year. This means that Fine Fones also owes the 2001 RAF. The 2001 RAF return is also attached.

The Commissioners voted on this docket at the July 10, 2001 Agenda Conference to impose a \$500 fine for failure to pay the RAF. A Proposed Agency Action Order is scheduled to be issued by July 30. After the Order is issued, you will have 20 days to protest the Commission's Order by requesting cancellation of Fine Fones, Inc.'s pay telephone certificate, pursuant to Rule 28-106.201, F.A.C., copy attached. This petition must be filed with the Commission **after** the Order is issued **and** within the protest period. Rule 28-106.201(2)(g) states that the petition must include "A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action." Your petition should include the

DOCUMENT NUMBER - DATE  
09087 JUL 26 01  
FPSC-COMMISSION CLERK

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

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

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

Mr. Harold V. Hickey, President  
Page 2  
July 25, 2001

following elements:

- Docket number;
- Order number and issue date of Order;
- A statement requesting that the Commission consider this a protest and/or request for cancellation of Certificate No. 4528;
- A statement explaining why you want your certificate cancelled;
- Payment for the past due amount in full (you may go ahead and send in payment so that the interest charge will not continue to accrue. If you do send in payment before the Order is issued, add a statement to the petition that you previously sent in the payment.); and
- Either pay the 2001 RAF or provide a date certain the 2001 RAF will be paid.

The petition should be addressed to Ms. Blanca Bayó, Director, Division of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

If you file a timely petition, a new Agenda Conference date will be scheduled. At that time, the Commissioners will vote on whether or not to grant your request for cancellation. If approved, a Final Order will then be issued granting the voluntary cancellation.

Please let me know what your decision is by August 9, 2001. 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).

Sincerely,



Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures

cc: Docket No. 010465-TC  
Division of Legal Services (Elliott)

Fine Fones, Inc. (TF592)  
 Certificate No. 4528, Effective 02/27/96  
 Docket No. 010465-TC

Year	Fee	Penalty	Interest	Notes
1999	N/A	\$ 5.00	\$1.00	Payment was due 01/31/00. The company's payment for the \$50 minimum RAF was postmarked 03/28/00, leaving a penalty and interest balance of \$6.00.
2000	\$ 50.00	\$12.50	\$ 3.00	<p>Payment was due 01/30/01. <u>If</u> the company owes only the minimum and if payment is postmarked by 07/29/01, the total amount for 2000 is \$65.50.</p> <p>The interest charge continues to accrue until paid.</p>
2001	\$ 50.00	N/A	N/A	Payment is due 01/30/02. Rule 25-24.514, F.A.C., provides that when requesting cancellation of a certificate, the company must either pay the current year's RAF or provide a date certain it will be paid.
<b>Total</b>	<b>\$100.00</b>	<b>\$17.50</b>	<b>\$4.00</b>	<p><b>Total if payment is postmarked by July 29, 2001:</b>  <b>\$121.50.</b></p> <p><b>Total if payment is postmarked between July 30 and August 28, 2001:</b>  <b>\$122.00.</b></p>

# Pay Telephone Service Provider Regulatory Assessment Fee Return

## Florida Public Service Commission

(See Filing Instructions on Back of Form)

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

TF592  
 Fine Fones, Inc.  
 1570 Madruga Avenue, Suite 209  
 Coral Gables, FL 33134-3012

Docket No. 010465-TC

Please Complete Below If Official Mailing Address Has Changed

STATUS:

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

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

(Name of Company)	(Address)	(City/State)	(Zip)

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</b> 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.	<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)
	Telephone Number ( _____ )	Fax Number ( _____ )
(Preparer of Form - Please Print Name)	F.E.I. No. _____	

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

**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.

**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.**

**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.*

**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.

**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.

**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
---

**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.

# Pay Telephone Service Provider Regulatory Assessment Fee Return

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(See Filing Instructions on Back of Form)

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

STATUS:

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TF592
Fine Fones, Inc.
1570 Madruga Avenue, Suite 209
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<b>Docket no. 010465-TC</b>

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

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(Signature of Company Official) (Title) (Date)

\_\_\_\_\_  
(Preparer of Form - Please Print Name) Telephone Number ( ) Fax Number ( )

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

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## PART II HEARINGS INVOLVING DISPUTED ISSUES OF MATERIAL FACT

### 28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 ½ by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

*Specific Authority 120.54(3), (5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History-New 4-1-97, Amended 9-17-98.*



TRANSMISSION VERIFICATION REPORT

TIME : 07/25/2001 12:30  
NAME :  
FAX :  
TEL :

DATE, TIME	07/25 12:26
FAX NO./NAME	613056618981
DURATION	00:03:41
PAGE(S)	08
RESULT	OK
MODE	STANDARD ECM