

# The Train-Tel Company

5709 1<sup>st</sup> Ave S.  
St. Petersburg, Florida  
33707

RECEIVED ORIGINAL  
FLORIDA PUBLIC  
SERVICE COMMISSION

01 JUL 27 PM 12:42

MAIL ROOM

*P. Isler  
CCA*

July 20, 2001

State of Florida  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

*TF 920  
Settlement*

*CK 17104  
\$500.00  
MC*

Re: Docket No. 010685-TC

**DEPOSIT**

**DATE**

**D 1 0 0**

**JUL 30 2001**

Dear Paula J. Isler,

Thank you for spending time with me regarding the issues of Train-Tels RAF. For the record, it seems that those of you in government offices do not remember that small businesses not only have to own and operate the business we have chosen, we also have to become attorneys in our spare time to try and keep up with your bureaucratic machine. I realize you operate in a manner that expects small businesses to keep up with your rules and regulations, your demands of filing returns do not even compare with the IRS and our federal tax. Your demands and timing for information is worse than the IRS.

I started a small payphone company to supplement my income. To date I have lost thousands of dollars. I am supposed to try to sell these wares. Meanwhile, I have to provide the government bodies the following; USAC reports, tangible tax reports, intangible tax reports, 941 information, sales tax (which I can not even collect at the phone) PICC reports, franchise tax, gross receipts tax, city tax, county tax, state tax, federal tax, FCC access fees, sales and use tax, annual resale certificates, county licenses, city licenses (each city where I have a phone), then all of the PSC rules and regulations.

I hope you can see that I am working for you government bodies and not for my family or me. All of this "red tape" which has led to very high costs of owning a payphone company, and terrible market conditions have lead my business to the point of bankruptcy. All I wanted to do was provide a service for people and try to make some extra money doing it. Well now over the last several months I have been forced to pull 28 phones because I could not afford them because of these government constraints and the actual public payphone market. I hope this is the goal the government agencies had in mind when they began their bombardments of this industry with all of these profit stealing taxes and fees. The top three private payphone companies are bankrupt, (accounting for 175,000 payphones) the top two public payphone companies are pulling their payphones as they can no longer profit because of these reasons as well (400,000 payphones). This will surely hinder the poorer general public, as they still depend on public phones but now are without the convenience they once had with an abundant amount of payphones. Costs were low, calls were cheap to make, the consumer was not gouged and there was profit for the payphone operator so that he could continue to pour back monies into his business to provide top-notch services. Then the government from all levels got involved. You began taxing and feeing the profits from these businesses, then extorting more monies by threatening payphone providers with outrageous fines for not having a label, or a broken handset, or a report to the government that does not meet the governments expectation. Then forced by economic hardships, we could not afford to see the phones as much because the profit was gone, so we (payphone providers) got bad names because our equipment stayed broke longer so we could try and see that broke phone while seeing another close by to try and lesson the cost of doing the business. Then we would get

- PP \_\_\_\_\_
- RAF \_\_\_\_\_
- MP \_\_\_\_\_
- COM \_\_\_\_\_
- TR \_\_\_\_\_
- ECR \_\_\_\_\_
- LEG   I
- DPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC   I
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER - DATE

09234 JUL 30 01

FPSC-COMMISSION CLERK

July 20, 2001

written up by the PSC for one of the above mentioned infractions believe the PSC sits up there in Tallahassee pushing legislation and regulations onto many businesses while you do not have to comply with these policies yourselves. Do you realize that when you tax and fee a business like you have done to the payphone industry (from the FCC down to city license fees) and you give nothing back to the industry you destroy the industry? Our forefathers called it taxation without representation. I call it extortion.

Anyhow, I am going to try to answer your "order or docket NO. " "I am not even sure if the two are the same or not) in the manner you provide in your Rule Book, and in our conversations and e-mails. I also took the liberty to enclose an interesting article I read and printed regarding these same issues. It seems I am not the only one who has been affected by this type of governmental behavior. Please see attached.

Sincerely,

A handwritten signature in cursive script that reads "Sean Trainor". The signature is written in black ink and is positioned to the right of the word "Sean".

Sean Trainor

President

Re: Protesting Agency Action Order

Per 28-106.201 Initiation of Proceedings

(1) This is my petition to the Florida Public Service Commission the agency that enacted this order against my company. This document requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact.

(a) Public Service Commission Capital Circle Office Center 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850. Docket No. 010685-TC.

(b) The Train-Tel Company 5709 1<sup>st</sup> Ave S. St. Petersburg, Florida 33707. 727-347-4905. This shall be the address all correspondence regarding Docket No. 010685-TC should be sent to.

By applying your proposed fine of \$1000.00, the Train-Tel Company asks the commission to reconsider

this amount as it is 1000% of the amount due on the RAF. This will effect my company substantially as my company is already on the verge of bankruptcy as explained in my opening statements to your agency attached prior to. I hope the agency will reconsider its act as Train-Tel has provided agency the RAF document and has sent the funds that agency states that petitioner owes agency.

(c) I have not received the notice from your agency regarding any decision as of 7-20-01.

(d) I do not wish to dispute any facts.

(e) I owed the agency a RAF report. I did not get it completed in the time allotted by the agency. I have filed this report as of June 5, 2001. I have forwarded payment to agency for the sum owed for 1999, 2000. (Train-Tel was unaware of any past due fee owed to agency from 1999) These sums are so miniscule, I would hope that the agency would take this payment and not put any more undue financial pressure on petitioner by imposing a fine that is 1000% of the RAF amount in question. Please reverse your attempts to impose a fine of this magnitude on The Train-Tel Company. Petitioner wishes agency to reverse their position of proposing a \$1000.00 fine against petitioner.

(f) After several conversations with Paula Isler it is evident the commission and its staff would rather bring undue hardships on small businesses in Florida rather than allowing small businesses to continue without extraordinarily large fines. Based on the report and the amounts due the \$500.00 settlement was the least amount the commission is willing to take. This is 100 times the amount that was due. I feel this is a form of legal extortion as my company has no recourse on the actions taken by the commission and its staff, except to go out of business. It is evident that a small business has no option except pay or get out. Almost Mafia style isn't it? Anyway...

(f) Petitioner will make an offer to settle all accounts due with commission and pay a \$500.00 fine to bring all balances to \$0.00 and bring all communication with this agency to a close for 1999 and 2000.

(g) The company agrees to waive any objection to the administrative cancellation of its certificate should company fail to pay these fines in accordance with its settlement offer. If however there is a factual dispute as to the manner or level of compliance with any provision in the settlement, commission staff will bring the matter to the commission for consideration.

I would like a confirmation letter noting the decision as soon as possible. Let me know if this information meets all of the "red tape" requirements:

Sean Trainor