

ORIGINAL

**REQUEST TO ESTABLISH DOCKET**

(Please Type)

<b>Date</b>	July 23, 2002	<b>Docket No.</b>	020789-TC
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<b>1. Division Name/Staff Name:</b>	Division of Competitive Markets & Enforcement/Isler
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**2. OPR: Division of Competitive Markets & Enforcement/Isler**

**3. OCR: Office of the General Counsel**

**4. Suggested Docket Title: Cancellation by Florida Public Service Commission of PATS Certificate No. 5936 issued to Burney Communications Group, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies and 25-24.520, F.A.C., Reporting Requirements.**

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

**A. Provide NAMES OR ACRONYMS ONLY if a regulated company.**

**B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)**

**1. Parties and their representatives (if any):**


**2. Interested persons and their representatives (if any):**


**6. Check one:**

**Documentation is attached.**

**Documentation will be provided with recommendation.**

PSC\CCA010-C (Rev 10/01)

DOCUMENT NUMBER-DATE  
 07632 JUL 23 08  
 FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

## Public Service Commission

June 4, 2002

Ms. Sherri Burney, Vice President  
Burney Communications Group, Inc. (TG398)  
16730 NW 13<sup>th</sup> Street  
Pembroke Pines, FL 33028-1903

Dear Ms. Burney:

The Regulatory Assessment Fee (RAF) is due by January 30<sup>th</sup> of each year for the preceding calendar year. For certificate holders, the RAF is owed even if a telecommunications company may not have started operations or had any revenues. If payment is made after the due date, then statutory penalty and interest charges are applicable.

Our records show the 2001 RAF return notice was mailed December 12, 2001, and a delinquent notice was mailed February 20, 2002. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2001 RAF return form is enclosed. In addition, our records show that you have a small past due balance, which must be paid. A breakdown is enclosed.

If full payment, including penalty and interest charges, along with the RAF return form, are not received by June 25, 2002, it is my intention to establish a docket and recommend that the Commission fine your company \$1,000 or cancel your certificate. Please note that once a docket has been established, **just paying the delinquent RAF amount will not prevent your certificate from being cancelled.**

In addition to nonpayment of the 2001 RAF, the Commission has attempted to contact your company without success. Commission rules provide that a telecommunications company must update its address, telephone numbers, and liaison within 10 days of a change. The USPS returned mail to us addressed to your company. This information needs updating with us by June 25<sup>th</sup>.


If you wish to cancel your certificate voluntarily and leave in good standing with the Commission, your company should pay the past due amount in full, complete the 2001 RAF return form, either pay the 2002 RAF or provide a date certain it will be paid, and comply with the requirements of Rule 25-24.514, Florida Administrative Code, copy attached. Any unpaid RAFs, including penalty and interest charges, are turned over to the Comptroller's Office for collection if

Ms. Sherri Burney, Vice President  
Page 2  
June 4, 2002

the Commission cancels a company's certificate on its own motion (involuntary cancellations).

If you have any questions, please contact me at (850) 413-6502-voice, (850) 413-6503-fax, at the address below, or via internet e-mail at [pisler@psc.state.fl.us](mailto:pisler@psc.state.fl.us).

Sincerely,

A handwritten signature in cursive script that reads "Paula J. Isler".

Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures

# 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)

TG398-01-0-R  
 Burney Communications Group, Inc.  
 P. O. Box 823436  
 Pembroke Pines, FL 33082-3436  
  
 cc: P. Isler

**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)

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>	<b>\$ _____</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)

\_\_\_\_\_  
(Preparer of Form - Please Print Name)

Telephone Number ( ) \_\_\_\_\_ Fax Number ( ) \_\_\_\_\_

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

**Burney Communications Group, Inc. (TG398)**  
**Certificate No. 5936, Effective 11/03/98**

Year	Fee	Penalty	Interest	Notes
1999	N/A	\$5.00	\$1.00	Payment was due 01/31/00. The company's payment for the RAF was postmarked 03/31/00, leaving a balance of \$6.00.
2000	N/A	\$2.50	\$0.50	Payment was due 01/30/01. The company's payment for the RAF was postmarked 01/31/01, leaving a balance of \$3.00.
2001				<p>Payment was due 01/30/02. Our records do not show receipt of payment.</p> <p>NOTE: I did not include the amount due for the 2001 RAF since the amount is based on a company's total intrastate revenues. The RAF is .0015% of a company's revenues or \$50.00, whichever is greater. In addition, statutory penalty and interest charges are applicable.</p>
<b>Total</b>		<b>\$7.50</b>	<b>\$1.50</b>	<b>Total: \$9.00 <u>NOT</u> including 2001 RAF, penalty, and interest</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.

State of Florida  
**Public Service Commission**

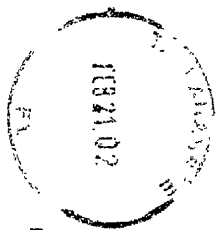
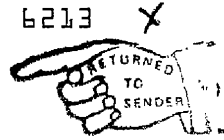
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

DELIVERED 29 AM 10:1  
DIVISION OF  
RETIREMENT SERVICE

**CERTIFIED MAIL**

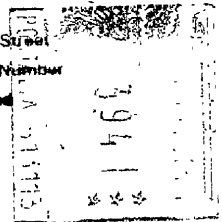


7001 2510 0007 6218 6213

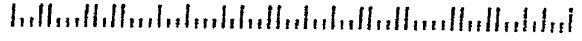


**REASON CHECKED**

- Attempted Not Known
- Insufficient Address
- Mailed, Not Forwardable
- Moved, Left No Address
- Forwarding Order Expired
- Refused
- Vacant
- No Such Street
- No Such Number
- Unclaimed



33082+3436 18



76398

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



OFFICE OF GENERAL COUNSEL  
HAROLD A. MCLEAN  
(850) 413-6199

# Public Service Commission

February 20, 2002

TG398-01-0-D  
Burney Communications Group, Inc.  
P. O. Box 823436  
South Florida, FL 33082-3436

Dear Certificate Holder:

The Division of the Commission's Clerk and Administrative Services has forwarded your account to our office to address the nonpayment of the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2001, which was due January 30, 2002. The RAFs return form was mailed to you on **December 15, 2001**, and to date, Commission records reflect that payment has not been received.

According to Florida Law, you are required to add interest charges at 12% per annum, and a 5% penalty for each 30-day period or fraction thereof, beyond the due date, up to a maximum of 25% in addition to the delinquent amount due. In addition, pursuant to Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364.

Utilities are charged with knowledge of our rules and statutes. Moreover, it is general Commission practice that all utilities that apply for **Pay Telephone** certificate receive a copy of all applicable rules. Further, in accordance with Section 364.335, Florida Statutes, as part of the application process, utilities provide an affidavit indicating that they have read and understood the applicable rules.

If you wish to request another form, please contact Jackie Knight at the number below. The payment should be identified with the company code and the company's name. Failure to provide payment within 15 days of this notice will result in the establishment of a docket to address your failure to return the RAFs form and pay RAFs in accordance with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. As specified above, pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel your telecommunications certificate. Therefore, it is important that you address this matter now.

If you have paid your fees, please provide us with your check number and the date that it was paid.

Should you have any questions concerning this letter please contact **Jackie Knight** at (850) 413-6267 or via Internet e-mail at [jknight@psc.state.fl.us](mailto:jknight@psc.state.fl.us).

Sincerely,

**Harold McLean**  
General Counsel

KMP  
Enclosure  
cc: Jackie Knight, Bureau of Administrative Services/Fiscal Services Section



## MCD Company Information for TG398

Printed on 07/18/2002 at 15:04:33 by PJI

Company Code: TG398  
Complete Name: Burney Communications Group, Inc.  
Mailing Name: Burney Communications Group, Inc.  
Certificate No(s): 5936  
Status: Active  
Regulation Date: 11/03/1998  
Bankruptcy: No  
Company Liaison #1: Sherri Burney  
Title: Vice President  
Mailing Address: P. O. Box 823436  
  
Physical Location: Pembroke Pines, FL 33082-3436  
16730 N.W. 13th Street  
  
Phone: Pembroke Pines, FL 33028-1903  
(305) 333-2428  
Fax: (954) 433-5361  
  
Related Dockets:  
980971-TC Application for certificate to provide pay telephone service by  
Burney Communications Group, Inc.

4:19 pm, 7/18  
Called 305-333-2428  
left v/m msg.

**COMPANY IDENTIFICATION**

Printed on 05/29/2002 at 12:01:01 by PJI

Complete Name: Burney Communications Group, Inc.

Mailing Name: Burney Communications Group, Inc.

Company Code: TG398 FEID Number: 65-0852040

**RAF ACCOUNT FOR THE PERIOD 01/01/1999 THROUGH 12/31/1999**

Reg. Date: 11/03/1998 Inactive Date:  
 Service: PAT - Pay Telephone  
 Received: Actual RAF Form  
 Status: Pending  
 Amended: No Extension: No  
 Frozen: No Comments: No  
 Payment Count: 1 Payment Made to Date  
 Operating Rev: \$6,042.89 Interstate Rev: \$0.00  
 RAF Rate: 0.0015 Net RAF Due: \$50.00

Assessment	Due	Paid	Owe
RAF	\$50.00	\$50.00	\$0.00
Penalty	\$5.00	\$0.00	\$5.00
Interest	\$1.00	\$0.00	\$1.00
Extension Fee	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$56.00</b>	<b>\$50.00</b>	<b>\$6.00</b>

Last modification was made on Tuesday, December 5, 2000 at 8:42 AM by Jackie Knight

Period covered: 01/01/1999 through 12/31/1999 RAF rate: 0.0015  
 Operating rev: \$6,042.89 Gross intrastate rev: \$0.00  
 Documents: Actual RAF form received on 03/31/2000  
 Delinquent letter mailed on 02/29/2000  
 RAF form mailed on 12/03/1999

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
03/31/2000	04/06/2000	04/14/2000-JIK	FJ275	1170	\$50.00
	RAF paid		FJ275		\$50.00

**COMPANY IDENTIFICATION**

Printed on 05/29/2002 at 12:01:07 by PJI

Complete Name: Burney Communications Group, Inc.

Mailing Name: Burney Communications Group, Inc.

Company Code: TG398 FEID Number: 65-0852040

**RAF ACCOUNT FOR THE PERIOD 01/01/2000 THROUGH 12/31/2000**

Reg. Date:	11/03/1998	Inactive Date:	
Service:	PAT - Pay Telephone		
Received:	Actual RAF Form		
Status:	Pending		
Amended:	No	Extension:	No
Frozen:	No	Comments:	No
Payment Count:	1 Payment Made to Date		
Operating Rev:	\$4,055.25	Interstate Rev:	\$0.00
RAF Rate:	0.0015	Net RAF Due:	\$50.00

Assessment	Due	Paid	Owe
RAF	\$50.00	\$50.00	\$0.00
Penalty	\$2.50	\$0.00	\$2.50
Interest	\$0.50	\$0.00	\$0.50
Extension Fee	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$53.00</b>	<b>\$50.00</b>	<b>\$3.00</b>

Last modification was made on Wednesday, February 7, 2001 at 10:03 AM by Jackie Knight

Period covered:	01/01/2000 through 12/31/2000	RAF rate:	0.0015		
Operating rev:	\$4,055.25	Gross intrastate rev:	\$0.00		
Documents:	Actual RAF form received on 01/31/2001				
	RAF form mailed on 12/05/2000				
Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
01/31/2001	02/07/2001	02/07/2001-JIK	GH019	1211	\$50.00
	RAF paid		GH019		\$50.00

COMPANY IDENTIFICATION

Printed on 05/29/2002 at 12:01:13 by PJI

Complete Name: Burney Communications Group, Inc.

Mailing Name: Burney Communications Group, Inc.

Company Code: TG398 FEID Number: 65-0852040

RAF ACCOUNT FOR THE PERIOD 01/01/2001 THROUGH 12/31/2001

Reg. Date: 11/03/1998 Inactive Date:  
 Service: PAT - Pay Telephone  
 Received: No RAF Form  
 Status: Pending  
 Amended: No Extension: No  
 Frozen: No Comments: No  
 Payment Count: 0 Payments Made to Date  
 Operating Rev: \$0.00 Interstate Rev: \$0.00  
 RAF Rate: Net RAF Due: \$0.00

Assessment	Due	Paid	Owe
RAF	\$0.00	\$0.00	\$0.00
Penalty	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00

Last modification was made on Thursday, December 6, 2001 at 3:13 PM by Jackie Knight

Period covered: 01/01/2001 through 12/31/2001 RAF rate:  
 Operating rev: \$0.00 Gross intrastate rev: \$0.00  
 Documents: Delinquent letter mailed on 02/20/2002  
 RAF form mailed on 12/06/2001