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DIVISION OF COMPETITIVE MARKETS &  
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BETH W. SALAK  
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Public Service Commission

October 23, 2003

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COMMISSION  
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Mr. Woodrow J. Zeitlen  
900 Gulfshore Drive, Unit 126  
Destin, FL 32541

Dear Mr. Zeitlen:

This is a follow up to our telephone conversations concerning your pay telephone certificate with the Commission. As background information, on December 12, 2002, the 2002 Regulatory Assessment Fee return form was mailed and payment was due by January 30, 2003. On February 21, 2003, a delinquent notice was mailed via certified mail, but it was returned by the US Postal Service stamped "unclaimed." On May 21, 2003, I wrote you a letter and explained that the 2002 fee needed to be paid by June 13<sup>th</sup> to avoid an enforcement docket from being established. No response was received, therefore, Docket No. 030736-TC was established on July 30, 2003.

On September 18, 2003, staff filed a recommendation to fine you, along with other payphone certificate holders, \$500 for nonpayment of the 2002 fee. On September 29<sup>th</sup>, the Commission received your payment for the \$50.00 minimum fee. Although you did not include the statutory penalty and interest charges, staff requested and was granted permission to defer this docket from the September 30<sup>th</sup> Agenda Conference. The penalty and interest charges were subsequently received on October 13<sup>th</sup>.

On October 2, 2003, the Commission received your telegram advising that you did not wish to lose your certificate and demanded that the Commission "fine Ameritel Inc. of North Miami Florida." As I explained over the telephone, Ameritel Inc. does not have a pay telephone certificate in Florida; therefore, it does not appear the Commission has grounds to fine Ameritel. I recommend that you call the State Attorney's office to report the possible credit card fraud.

The Regulatory Assessment Fee is .0015% of a company's intrastate revenues, or \$50.00, whichever is greater. The fee is due by January 30<sup>th</sup> of every year for the prior years' revenues and is applicable if a certificate is active for any portion of a calendar year even if a company had no revenues or began operations. What this means is that this docket could have been avoided had payment for the 2002 fee been paid by January 30<sup>th</sup>. The 2003 Regulatory Assessment Fee return forms will be mailed in mid-December and become due by January 30, 2004.

Since the fee was not paid prior to a docket being established, a settlement offer should be

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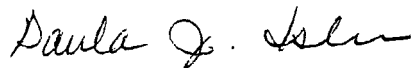
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proposed to resolve this docket. Although there is normally a \$500 fine associated with violation of the Regulatory Assessment Fee rule, the Commission has accepted settlements for lesser amounts. I am attaching a copy of a sample settlement letter you can use as an example, which was from another company in similar circumstances. The facts should be changed to reflect the circumstances in your case, of course.

I am currently scheduled to file another recommendation by November 20<sup>th</sup>. Due to internal procedures, I need to have the settlement offer by November 3, 2003, if that is what you decide.

After you've had an opportunity to review this information, please give me a call if you have any questions. I can be reached at (850) 413-6502-phone, (850) 413-6503-fax, by internet e-mail at [pisler@psc.state.fl.us](mailto:pisler@psc.state.fl.us), or at the address at the bottom of page one.

Sincerely,



Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosure

cc: Docket No. 030736-TC  
Office of the General Counsel (McKay)

# Sample



**IG2, Inc.**

80-02 Kew Gardens Road  
Suite 5000  
Kew Gardens, NY 11415  
p. (718) 261-4424 (261-IG2I)  
p. (888) 428-8654  
f. (718) 520-0783

September 5, 2001

Ms. Blanca Bayo  
Director  
Division of the Commission Clerk & Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RE: Proposed Settlement for Docket No. 011147-TX  
IG2, Inc.

Dear Ms. Bayo:

Enclosed is a check in the amount of \$66.50 and the applicable completed 2001 Regulatory Assessment Fee document on behalf of IG2, Inc. ("IG2" or "the Company").

IG2 definitely wishes to keep its Certificate active and in compliance with Commission rules. We apologize for the oversight in filing this document. We feel it may have gone to the incorrect address because the company used to be Suite 7000 (7<sup>th</sup> floor) and IG2 since has moved to the 5<sup>th</sup> floor (Suite 5000). We have taken steps to prevent future late payments of the regulatory assessment fees including notifying our postal carrier of the change. We have made this change on the document and also I notified Barbara Bailey of your OPR staff and she arranged for the change to be made there as well.

The Company agrees to waive any objection to the administrative cancellation of its certificate should IG2 fail to pay 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.

IG2 respectfully proposes to pay \$100 as monetary settlement for the violation, which will be paid within 10 business days after the Commission Order is issued.

We appreciate your consideration of this settlement offer and, as always, please do not hesitate to contact me at (718) 261-4424 should you have any questions on this matter.

Sincerely yours,

Deborah S. Arnott  
Vice President - Director of Compliance