

ORIGINAL

CC A

State of Florida



Public Service Commission

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

-M-E-M-O-R-A-N-D-U-M-

COMMISSION  
CLERK

FEB 11 PM 3:38

RECEIVED - PSC

**DATE:** February 10, 2004  
**TO:** Karen O. Belcher, Finance and Accounting Director III, Division of the  
Commission Clerk & Administrative Services  
**FROM:** Jason P. Rojas, Attorney, Office of the General Counsel *JPR*  
**RE:** Docket No. 030273- TC - Bankruptcy cancellation by Florida Public Service  
Commission of PATS Certificate No. 7418 issued to Alpha Tel-Com, Inc., effective  
3/17/03.

Request for Permission from Department of Financial Services to Write-Off the  
RAFs for the year(s) 2001, 2002, 2003 for Alpha Tel-Com, Inc. (TG693)

On March 17, 2003, Docket No. 030273-TC was established to address TG693's failure to remit RAFs for the year(s) 2001, 2002, 2003. By Order No. PSC-03-0640-PAA-TC, issued on May 27, 2003, the Commission approved the cancellation of TG693's PATS Certificate No. 7418. The Commission further ordered that the outstanding Regulatory Assessment Fees not be sent to the Department of Financial Services for collection, but instead, that the Division of the Commission Clerk and Administrative Services should request permission to write-off the uncollectible amount.

Therefore, staff requests that Bureau of Administrative Services/Fiscal Services Section take the appropriate steps to seek permission from the Department of Financial Services to write-off the uncollectible RAFs for the year(s) 2001, 2002, 2003 for TG693.

In addition, the Division of the Commission Clerk & Administrative Services will be notified that the 2002 RAF should not be sent to the Florida Department of Financial Services for collection, but that permission for the Commission to write-off the uncollectible amount should be requested if the certificate is cancelled in accordance with the Commission's Order from this recommendation.

AUS      JPR  
CAF       
CMP       
COM      ee: Paula Isler  
CTR       
ECR      I:\030072rafmemo.jpr  
GCL       
OPC       
MMS       
SEC      I  
OTH     

DOCUMENT NUMBER-DATE  
01966 FEB 11 3  
FPSC-COMMISSION CLERK

**STATE OF FLORIDA  
DEPARTMENT OF FINANCIAL SERVICES  
BUREAU OF ACCOUNTING  
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL  
(PLEASE PRINT OR TYPE)**

AGENCY FLORIDA PUBLIC SERVICE COMMISSION DATE JANUARY 22, 2003 PAGE 1 OF 1  
 CONTACT KAREN BELCHER, DIRECTOR, FISCAL SERVICES  
 PHONE NUMBER (850) 413-6273  
 FLAIR ACCOUNT CODE SAMAS ACCOUNT CODES: 61 50 2 573003 610100 00 000300  
61 74 1 000331 610100 00 001200

**1. 030273-TC**

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
Last Known Address (Include Zip)					
100.00 21.82/9.18					131.00
Home Telephone	Work Phone	Principal Amount	Penalty/Interest	Amount	Total
§364.366, F.S., §350.113, F.S., Rule 25-4.0161, F.A.C					8
Penalty/Interest Authority				Date Debt Incurred	Debt Type
Debt Description, e.g., Drivers License, Property Damage					
Additional Information, e.g., Date of Birth, Drivers License Number, etc					

**2. 030273-TC**

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
Last Known Address (Include Zip)					
100.00 21.82/9.18					131.00
Home Telephone	Work Phone	Principal Amount	Penalty/Interest	Amount	Total
§364.366, F.S., §350.113, F.S., Rule 25-4.0161, F.A.C					8
Penalty/Interest Authority				Date Debt Incurred	Debt Type
Debt Description, e.g., Drivers License, Property Damage					
Additional Information, e.g., Date of Birth, Drivers License Number, etc					

**3. 030273-TC**

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
Last Known Address (Include Zip)					
100.00 21.82/9.18					131.00
Home Telephone	Work Phone	Principal Amount	Penalty/Interest	Amount	Total
Penalty/Interest Authority					Debt Type
Debt Description, e.g., Drivers License, Property Damage					

Additional Information, e.g., Date of Birth, Drivers License Number, etc

**\*\*DEBIT TYPE CODE\*\***

1. RETURNED CHECK
2. NONPAYMENT FOR STATE GOODS/SERVICES
3. DAMAGE TO STATE PROPERTY
7. COURT ORDER
8. FINES
9. OVERPAYMENT OF STATE FUNDS

c:\word\delinquent accts rec trans

4/01/9'

---

---

## GENERAL INSTRUCTIONS

---

Provide as much information as possible for each account or returned check listed. Names should include legal entities as well as individuals. Principal Amount is the original amount of the debt excluding any service charge, penalty, and/or interest. Penalty/Interest Amount is the amount of the service charge, penalty, and/or interest due to date on the delinquent account or returned check. For those accounts subject to interest charges, please indicate the interest rate, method of calculation, and whether the rate is subject to change. Penalty/Interest Authority is the Florida Statutory and/or Florida Administrative Code citation authorizing the service charge, penalty, and/or interest on delinquent accounts and returned checks. Date Incurred is the date the account became delinquent; e.g., the date a check was returned marked NSF, the date an invoice was due to be paid, etc. Debt Type must be indicated using the codes listed at the bottom of the form.

In order to properly pursue a delinquent account the Bureau of Accounting and the collection agency, if used, require pertinent information about the debt and debtor. Such information regarding the debt should be provided in the area titled Debt Description and include the purpose of the original payment by check; type of goods/services provided; what, when, and where State property was damaged; when, why and what court ordered a payment; when and why a fine was issued; for what and when were State funds overpaid; etc. Additional Information about the debtor should include, if available, date of birth, driver license number, credit card type and number, names and addresses of relatives, and any other information that may be used to locate the debtor. The more the Bureau and the collection agency know about the debt and debtor the more likely the recovery of the debt.

To facilitate the transfer of moneys collected, each agency shall designate one FLAIR revenue account code to which all moneys will be transferred by the journal transfer. Agencies will be provided a detailed listing of amounts collected and collection fees charged for each amount. The Department will also provide instructions in accordance with Generally Accepted Accounting Principles on the appropriate method of recording the difference between any moneys collected and the amount of the delinquent account; i.e., treat the difference as cost of collection or provide approval for adjusting the balance of the account pursuant to Section 17.04, Florida Statutes.

Forms and Questions should be addressed to:

---

### Department of Financial Services

---

Bureau of Accounting  
Room 414 Fletcher Building  
200 East Gaines Street  
Tallahassee, Florida 32399-0354  
(850) 410-9346 / SC 210-9346

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation  
by Florida Public Service  
Commission of PATS Certificate  
No. 7418 issued to Alpha Tel-  
Com, Inc., effective 3/17/03.

DOCKET NO. 030273-TC  
ORDER NO. PSC-03-0640-PAA-TC  
ISSUED: May 27, 2003

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING CANCELLATION OF PAY TELEPHONE SERVICE  
CERTIFICATE DUE TO CHAPTER 11 BANKRUPTCY

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Alpha Tel-Com, Inc. (Alpha Tel-Com) currently holds Certificate of Public Convenience and Necessity No. 7418, issued by the Commission on May 10, 2000, authorizing the provision of Pay Telephone (PAT) service. The Division of the Commission Clerk and Administrative Services advised our staff that Alpha Tel-Com had not paid the 2002 and 2003 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year(s) 2001 and 2002 had not been paid.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was

DOCUMENT NUMBER-DATE

04713 MAY 27 03

FPSC-COMMISSION CLERK

active during any portion of the calendar year. Pursuant to Rule 25-4.0161 (2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. All entities that apply for certification receive a copy of our rules governing PAT service.

On March 11, 2003, we received a letter from the company's bankruptcy receiver, Thomas F. Lennon, advising that due to the bankruptcy, the company was no longer providing pay telephone service. A follow up letter was received on March 17, 2002, which requested cancellation of the company's certificate and requested that any unpaid RAFs be written-off.

Chapter 11 of Section 109 of the Federal Bankruptcy Code provides for reorganization by business entities. The filing of a bankruptcy petition under Chapter 11 invokes an automatic injunction known as the Automatic Stay, codified in Bankruptcy Code Section 362. Section 362(b)(4) provides that, for governments, the filing of the petition does not operate as a stay "of the enforcement of a judgment, other than a money judgment, obtained in an actual proceeding by a governmental unit to enforce such governmental unit's police or regulatory power." (emphasis added) Thus, it would appear that we are not enjoined from exercising our police powers to protect public health, safety and welfare, but are enjoined from exercising our regulatory authority seeking to collect a prepetition debt. However, in this case, the company has requested cancellation of its certificate. Under those circumstances, this Commission is free to do so. We note that the Division of the Commission Clerk and Administrative Services will be notified that the past due RAFs should not be sent to the Division of Financial Services for collection, but that permission for the Commission to write-off the uncollectible amount should be requested.

Accordingly, we find it appropriate to cancel PAT Certificate No. 7418, effective March 17, 2003. If Alpha Tel-Com's certificate is canceled in accordance with this Order, Alpha Tel-Com shall immediately cease and desist providing PAT services in Florida. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

ORDER NO. PSC-03-0640-PAA-TC  
DOCKET NO. 030273-TC  
PAGE 3

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Alpha Tel-Com, Inc.'s Certificate No. 7418 to provide Pay Telephone services is hereby canceled, effective March 17, 2003. It is further

ORDERED that the outstanding Regulatory Assessment Fees should not be sent to the Comptroller's Office for collection. The Division of the Commission Clerk and Administrative Services, instead, shall request for permission to write-off the uncollectible amount. It is further

ORDERED that if Alpha Tel-Com, Inc.'s Certificate No. 7418 is canceled in accordance with this Order, that entity shall immediately cease and desist providing Pay Telephone services in Florida. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

ORDER NO. PSC-03-0640-PAA-TC  
DOCKET NO. 030273-TC  
PAGE 4

By ORDER of the Florida Public Service Commission this 27th  
Day of May, 2003.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Marcia Sharma  
Marcia Sharma, Assistant Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

JPR

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.



ORDER NO. PSC-03-0640-PAA-TC  
DOCKET NO. 030273-TC  
PAGE 5

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 17, 2003.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation  
by Florida Public Service  
Commission of PATS Certificate  
No. 7418 issued to Alpha Tel-  
Com, Inc., effective 3/17/03.

DOCKET NO. 030273-TC  
ORDER NO. PSC-03-0754-CO-TC  
ISSUED: June 23, 2003

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-03-0640-PAA-TC, issued May 27, 2003, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order, in regard to the above mentioned docket. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-03-0640-PAA-TC has become effective and final. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 23rd Day of June, 2003.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: \_\_\_\_\_

*Kay Flynn*  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

JPR

DOCUMENT NUMBER DATE

05590 JUN 23 8

FPSC-COMMISSION CLERK

ORDER NO. PSC-03-0754-CO-TC

DOCKET NO. 030273-TC

PAGE 2

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any judicial review of Commission orders that is available pursuant to Section 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.