

REQUEST TO ESTABLISH DOCKET
(Please Type)

Date **May 4, 2004**

Docket No. **040406-TC**

1. Division Name/Staff Name: Division of Competitive Markets & Enforcement/Isler

2. OPR: Division of Competitive Markets & Enforcement

3. OCR: Office of the General Counsel

4. Suggested Docket Title: Cancellation by Florida Public Service Commission of PATS Certificate No. 8242 issued to Ocean Palms Beach Club, Inc., for violation of Rule 25-~~24~~⁴.0161, F.A.C., Regulatory Assessment

Fees; Telecommunications Companies.

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.

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

STATE OF FLORIDA



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

March 18, 2004

Mr. James P. Tack, President/General Manager
Ocean Palms Beach Club, Inc. (TG928)
2601 South Atlantic Avenue
New Smyrna Beach, FL 32169-3421

Dear Mr. Tack:

On March 17, 2004, the Commission received the Request for Updated Reporting Requirements form, which stated you were disabled and had "shut down service." This appears to be a request for cancellation of your pay telephone certificate. I researched our records but could not find record that you had previously requested cancellation of your certificate from this Commission. A copy of the cancellation rule is enclosed.

Before staff can recommend a voluntary cancellation, a company must not have any outstanding balance of the Regulatory Assessment Fee. As information, the Regulatory Assessment Fee is assessed if a certificate is active for any one day during a calendar year, even if a company had no revenues or ever started operations during the period covered. This means that since you did not request cancellation of your certificate in 2003, the 2003 and 2004 Regulatory Assessment Fees are owed. The Regulatory Assessment Fee return forms for both years are enclosed. In addition, our records show that Ocean Palms Beach Club, Inc. has a balance of \$11.98 for late payment of the 2002 fee.

If you are requesting cancellation of your pay telephone certificate, please write a letter and specifically request cancellation of your certificate. Include the completed 2003 and 2004 Regulatory Assessment Fee return forms, along with full payment in the amount of \$117.98. A breakdown of the amount due is enclosed. Please respond by April 5, 2004. When responding, please use the enclosed blue envelope, which will insure prompt processing.

Mr. James P. Tack, President/General Manager

Page 2

Thursday, March 18, 2004

In the meantime, if you have any questions, just let me know. I can be reached at (850) 413-6502-phone, (850) 413-6503-fax, by internet e-mail at PIsler@psc.state.fl.us, or at the address at the bottom of Page One.

Sincerely,

A handwritten signature in black ink that reads "Paula J. Isler". The signature is written in a cursive style with a large initial "P".

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures
TMS #1144

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.

Pay Telephone Service Provider Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:
01/01/2003 TO 12/31/2003

Florida Public Service Commission
(See Filing Instructions on Back of Form)

TG928-03-0-R
Ocean Palms Beach Club, Inc.
2601 South Atlantic Avenue
New Smyrna Beach, FL 32169-3421

cc: P. Isler

Please Complete Below If Official Mailing Address Has Changed

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

(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.	TOTAL REVENUES 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.	TOTAL AMOUNT DUE	\$ _____

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. _____

Pay Telephone Service Provider Regulatory Assessment Fee Return

STATUS:

- Actual Return
 Estimated Return
 Amended Return

PERIOD COVERED:
01/01/2004 TO 12/31/2004

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TG928-04-0-R
 Ocean Palms Beach Club, Inc.
 2601 South Atlantic Avenue
 New Smyrna Beach, FL 32169-3421
 cc: P. Isler

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY

Check# _____

\$ _____ 0603002
 _____ 003001

\$ _____ P
 _____ 0603002
 _____ 004011

\$ _____ I

Postmark Date _____

Initials of Preparer _____

(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.	TOTAL REVENUES 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.	TOTAL AMOUNT DUE	\$ _____

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. _____	

Ocean Palms Beach Club, Inc. (TG928)
Certificate No. 8242, Effective 12/09/02

Year	Fee	Penalty	Interest	Notes
2002	N/A	Due-\$10.00 Paid - <u>0.02</u> Bal. \$9.98	\$2.00	Payment was due 01/30/03. The company's partial payment of \$50.02 was postmarked 05/27/03, leaving a balance of \$11.98.
2003	\$50.00	5.00	1.00	Payment was due by 01/30/04. As of this date, payment has not been received.
2004	50.00	N/A	N/A	Prior to recommending a voluntary cancellation, a company should pay the current year's Regulatory Assessment Fee.
Total	\$100.00	\$14.98	\$3.00	Total: \$117.98

Paula Isler

From: Kay Flynn
Sent: Wednesday, March 17, 2004 2:56 PM
To: Paula Isler
Subject: RE: TG928 (Ocean Palms Beach Club, Inc.)

It is 03593-04 and will be scanned later today.

-----Original Message-----

From: Paula Isler
Sent: Wednesday, March 17, 2004 2:56 PM
To: Kay Flynn
Subject: RE: TG928 (Ocean Palms Beach Club, Inc.)

No, do not open a docket. They have past due P&I from 2002 and will have to pay 2003 and 2004 RAFs to be granted a voluntary cancellation. Let me know the document number.
Thanks.

-----Original Message-----

From: Kay Flynn
Sent: Wednesday, March 17, 2004 2:54 PM
To: Paula Isler
Subject: TG928 (Ocean Palms Beach Club, Inc.)

Paula, Nonnye received her MCD update form back from this company and on it was written "no longer in service", "Mr. Tack is gone on disability", and "shut down service."

Is it okay to open a docket to cancel, or will you need to contact them first concerning RAFs, etc?

Kay

17-04
orig to CCA/Allyson

ORIGINAL

Ocean Palms Beach Club, Inc. (040000)

Info OK
3-17-04

Company Code: TG928

RECEIVED-FPSC
Certificate No(s): 8242

MAR 17 AM 9:55

Physical Location: 2601 South Atlantic Avenue New Smyrna Beach, FL 32169-3421	ENTER CORRECTIONS BELOW COMMISSION CLERK No longer in Service
Mailing Address: 2601 South Atlantic Avenue New Smyrna Beach, FL 32169-3421	No longer in Service
Liaison Officer(s): 1. James P. Tack, President/General Manager, (386) 423-1373 2. Name, Title, Phone number	McTack is gone on Disability or gone he is Disabled
Fax No(s): (386) 423-5031, Fax 2 E-mail address: OcnPalms@aol.com Web address: Federal Employee ID No.: 59-2280080	Shut down Service

IMPORTANT NOTE:

The following section is applicable ONLY to companies with d/b/a as part of their official company name.

All official correspondence is addressed to the "Mailing Name" of regulated companies. The "Mailing Name" is the last d/b/a of the company's official name. Our records reflect the mailing name shown below for your company. If you prefer to receive official correspondence in another mailing name, please make the change in the space provided. The name can be no longer than 58 characters (including spaces) and **MUST** be part of the official company name.

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC 1
- OTH _____

MAILING NAME:

Ocean Palms Beach Club, Inc.

COMPLETED BY: [Signature]

DATE: 3/13/04

76928

DOCUMENT NUMBER-DATE

03593 MAR 17 3

FPSC-COMMISSION CLERK

COMPANY IDENTIFICATION

Printed on 03/18/2004 at 11:13:42 by PJI

Complete Name: Ocean Palms Beach Club. Inc.

Mailing Name: Ocean Palms Beach Club, Inc.

Company Code: TG928 FEID Number: 59-2280080

RAF ACCOUNT FOR THE PERIOD 01/01/2002 THROUGH 12/31/2002

Reg. Date: 12/09/2002 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: \$19.25 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	\$10.00	\$0.02	\$9.98
Interest	\$2.00	\$0.00	\$2.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$62.00	\$50.02	\$11.98

Last modification was made on Tuesday, June 3, 2003 at 4:13 PM by Valorie Moore

Period covered: 01/01/2002 through 12/31/2002 RAF rate: 0.0015

Operating rev: \$19.25 Gross intrastate rev: \$0.00

Documents: Actual RAF form received on 05/27/2003

 RAF form mailed on 05/16/2003

 Delinquent letter mailed on 02/19/2003

 RAF form mailed on 01/07/2003

 RAF form mailed on 12/20/2002

 RAF form mailed on 12/19/2002

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
05/27/2003	06/02/2003	06/03/2003-VPM	IL353	2345	\$50.02
	RAF paid		IL353		\$50.00
	Penalty paid		IL353		\$0.02

COMPANY IDENTIFICATION

Printed on 03/18/2004 at 11:13:50 by PJI

Complete Name: Ocean Palms Beach Club. Inc.

Mailing Name: Ocean Palms Beach Club, Inc.

Company Code: TG928 FEID Number: 59-2280080

RAF ACCOUNT FOR THE PERIOD 01/01/2003 THROUGH 12/31/2003

Reg. Date: 12/09/2002 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 Wednesday, December 3, 2003 at 9:46 AM by David Brown

Period covered: 01/01/2003 through 12/31/2003 RAF rate:
 Operating rev: \$0.00 Gross intrastate rev: \$0.00
 Documents: Delinquent letter mailed on 02/20/2004
 Delinquent letter mailed on 02/19/2004
 RAF form mailed on 12/03/2003

MCD Company Information for TG928

Printed on 03/18/2004 at 11:16:26 by PJI

Company Code: TG928
Complete Name: Ocean Palms Beach Club, Inc.
Mailing Name: Ocean Palms Beach Club, Inc.
Certificate No(s): 8242
Status: Active
Regulation Date: 12/09/2002
Bankruptcy: No
Company Liaison #1: James P. Tack
Title: President/General Manager
Mailing Address: 2601 South Atlantic Avenue

Physical Location: New Smyrna Beach, FL 32169-3421
2601 South Atlantic Avenue

Phone: New Smyrna Beach, FL 32169-3421
(386) 423-1373
Fax: (386) 423-5031

Related Dockets:
021033-TC Application for certificate to provide pay telephone service by
Ocean Palms Beach Club, Inc.