

050456-JC

****FLORIDA PUBLIC SERVICE COMMISSION****

**DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT
CERTIFICATION**

**APPLICATION FORM FOR CERTIFICATE TO PROVIDE
PAY TELEPHONE SERVICE
WITHIN THE STATE OF FLORIDA**

Instructions

- ◆ This form is used as an application for an original certificate to provide pay telephone service within the State of Florida.
- ◆ **Print or type** all responses to each item requested in the application. If an item is not applicable, please explain. Pages 8, 9 and 10 must be completed and signed.
- ◆ Use a separate sheet for each answer which will not fit within the allotted space.
- ◆ Once completed, submit the original and two (2) copies of this form and a non-refundable **application fee of \$100.00** to:

**Florida Public Service Commission
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770**

- ◆ If you have questions about completing the form, contact:

**Florida Public Service Commission
Division of Competitive Markets and Enforcement
Certification
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600**

1. Name of company or name of individual (not fictitious name or d/b/a):
Kevin Rogers

2. Name under which applicant will do business (fictitious name, etc.):

3. Official mailing address:
Street: 6076 Velvet Loop
P.O. Box: _____
City: Lakeland
State: FL Zip: 33811

4. Florida address:
Street: SAME AS item 3.
P.O. Box: _____
City: _____
State: _____ Zip: _____

5. Structure of organization:
 Individual
 Corporation
 General Partnership
 Limited Partnership
 Other: Private Enterprise

6. If incorporated in Florida, provide proof of authority to operate in Florida:
Florida Secretary of State
Corporate Registration Number: _____

7. If using fictitious name d/b/a (doing business as), provide proof of compliance with the fictitious name statute (Chapter 865.09, Florida Statutes) to operate in Florida:

Florida Fictitious Name
Registration Number: N/A

8. F.E.I. Number (if applicable): _____

9. If individual, provide:

Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

10. If partnership, provide name, title and address of all partners and a copy of the partnership agreement:

a. Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

10. Partnership (continued)

b. Name: N/A
Title: _____
Address: _____
City/State/Zip: _____
Telephone No.: _____ Fax No.: _____
Internet E-Mail Address: _____
Internet Website Address: _____

11. Who will serve as liaison to the Commission with regard to the following?

a. The application:

Name: Kevin Rogers
Title: OWNER
Address: 6076 Velvet Loop
City/State/Zip: Lakeland FL 33811
Telephone No.: None Fax No.: _____
Internet E-Mail Address: _____
Internet Website Address: _____

b. Official Point of Contact for ongoing company operations including complaints and inquiries:

Name: Same as 11A.
Title: _____
Address: _____
City/State/Zip: _____
Telephone No.: _____ Fax No.: _____
Internet E-Mail Address: _____
Internet Website Address: _____

12. Indicate if applicant or any subsidiary, partner, officers, directors, or any stockholder has been previously adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings.

If so, provide explanation: N/A

13. Has the applicant or any subsidiary, partner, officer, director, or any stockholder ever been granted or denied a pay telephone certificate in the State of Florida? (This includes active and canceled pay telephone certificates.) If yes, provide explanation and list the certificate holder and certificate number.

No

14. Is the applicant or any subsidiary, partner, officer, director, or any stockholder a subsidiary, partner, or officer in any other Florida certificated pay telephone company? If yes, give name of company and relationship. If no longer associated with company, give reason why not.

No

15. List other states in which the applicant:

a. Is currently providing pay telephone service.

None

b. Has applications pending to be certified as a pay telephone provider.

No

c. Has been denied authority to operate as a pay telephone provider. Explain circumstances.

No

d. Has had regulatory penalties imposed for violations of telecommunications statutes, rules, or orders. Explain circumstances.

No

16. Please check (✓) the services that will be provided:

(✓) LOCAL

(✓) LONG DISTANCE

(✓) COIN

(✓) CALLING CARD

() CREDIT CARD

() OTHER (Describe) _____

17. Proposed number of pay telephone instruments the applicant plans to install/operate in the first year: 3

18. How does the applicant intend to service and maintain each payphone? Check (✓) all that apply.

- PERSONALLY
 - FULL-TIME TECHNICIAN
 - PART-TIME TECHNICIAN
 - SERVICE/REPAIR/MAINTENANCE CONTRACT
 - OTHER (Describe) _____
- _____
- _____
- _____

19. Will each of the installed pay telephones provide access to all locally available long distance carriers via 10XXX+0, 10XXXX+0, 101XXXX+0, 950, and toll free (e.g. 800, 877, and 888)? See Rule 25-24.515(10), Florida Administrative Code.

- Yes
 - No Explain: _____
- _____
- _____
- _____

20. Will each of the installed pay telephones conform to subsections 4.28.8.4 and 4.29 of the American National Standard (CABO/ANSI A117.1-1992), Accessible and Usable Buildings and Facilities, approved December 15, 1992 by the American National Standards Institute, Inc.? See Rule 25-24.515(18), Florida Administrative Code.

- Yes
 - No Explain: _____
- _____
- _____
- _____

APPLICANT FEE STATEMENT

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of **0.15 of one percent** of the gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.

2. **APPLICATION FEE:** I understand that a non-refundable application fee of **\$100.00** must be submitted with the application.

UTILITY OFFICIAL:

For the Record: I am Not a public utility. I am conducting private enterprise located on private property. I do not waive any of my rights as guaranteed under the United States Constitution.

Kevin Rogers
Print Name

[Signature]
Signature

OWNER
Title

25 June 2005
Date

None
Telephone No.

Fax No.

Address: 6076 Velvet Loop
Lakeland, FL 33811

****ACKNOWLEDGMENT****

By my signature below, I, the undersigned owner/officer, have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders. *However, I do not under any circumstances waive any of my rights as guaranteed under the United States Constitution.*

I will comply with all current and future Commission requirements regarding pay telephone service. I understand that I am required to pay a regulatory assessment fee (minimum of \$50.00 per calendar year), file an annual pay telephone service report, pay applicable sales tax, and pay gross receipts tax. Furthermore, I agree to keep the Commission advised of any changes in the names and addresses listed in the application within 10 days of the change.

Further, I am aware that, pursuant to Chapter 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, punishable as provided in s. 775.082 and s. 775.083."

UTILITY OFFICIAL:

> For the record: I am not a public utility. I am conducting private enterprise located on private property.
Kevin Rogers

Kevin Rogers
Print Name

Kevin Rogers
Signature

OWNER
Title

25 June 2005
Date

NOATE
Telephone No.

Fax No.

6076 Velvet Loop
Lakeland, FL 33811
Address:

Note: *Any public official who, through fraud or deception coerces me into waiving any of my rights as guaranteed under the US Constitution, will be prosecuted to the fullest extent of the law.*

****APPLICANT ACKNOWLEDGMENT****

Applicant: Mr. Kevin Rogers

I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Requirements relating to my provision of Pay Telephone Service

Kevin Rogers
Print Name


Signature

owner
Title

25 June 2005
Date

Telephone No.

Fax No.

Address: 6076 Velvet Loop

Lakeland, FL 33811

- * see attachment (A): Formal Notice of Privacy Act, Title 5 USC.
- * see attachment (B) Warning to public Government officers/ Agents.

THIS ACKNOWLEDGMENT FORM MUST BE COMPLETED AND RETURNED AS PART OF THE APPLICATION BEFORE THE CERTIFICATION PROCESS BEGINS. FAILURE TO DO SO WILL RESULT IN A DELAY OF THE CERTIFICATE BEING ISSUED.

TO: STATE OF FLORIDA, PUBLIC SERVICE COMMISSION

FORMAL NOTICE OF PRIVACY ACT, TITLE 5 USC

You are hereby being formally put on NOTICE and being advised of the following facts and laws as they pertain to the Social Security number and the Privacy Act, Title 5 USC

A judgment of \$1000 plus costs and attorney's fees will be assessed against the individual, business or government agency that denies the requested right, service, benefit or privilege when the person making the request declines to provide their social security number.

A Social Security number must be used only in the following instances.

1. To receive public assistance
2. To pay taxes and receive refunds.

An individual may refuse to give their social security number if requested for any other reason than those listed above.

Form of the Privacy Act: (A) Actual damages sustained by the individual as a result of the refusal or failure to give a social security number shall be entitled to recover not less than \$1000; (B) the cost of the action together with reasonable attorney's fees as determined by the court.

Awards may be recovered from the government agency, business or individual who denies the right, benefit or privilege. See Federal court decisions set forth below:

1. "The right of privacy is a personal right designed to protect persons from unwanted disclosure of personal information..." CNA Financial Corporation v. Local 743, D.C. Ill, 1981 F. Supp. 942, Ill
2. The Act... "was enacted for (the) purpose of curtailing the expanding use of the social security numbers... and to eliminate the threat to individual privacy and confidentiality of information passed by common numerical identifiers." Doyle v. Wilson, D.C. Del 1982, 529 F. Supp. 1343.
3. "(a) (1) It shall be unlawful... to deny to any individual any right, benefit or privilege provided by law because of such individual's refusal to disclose his social security number." Guidelines and Regulations for the Maintenance of Privacy and Protection of Records on Individuals

THEREFORE, I do hereby declare my specific right not to disclose a social security number to this individual, organization or business for the reasons stated above and that I may commence litigation under the Privacy Act if services are denied as a result of my non-disclosure of said number. By my presentation of this NOTICE to you, you have been duly warned and put on NOTICE.

Dated this 17 day of June 2005


KEVIN ROGERS

ATTACHMENT (A)

WARNING

NOTICE TO PUBLIC GOVERNMENT OFFICERS/AGENTS

You are hereby given notice that you have a right to remain silent, anything you say or write will be used against you in a common law Civil or criminal prosecution. You also have the right to an attorney; if you cannot afford one, it means that the court will appoint one for you.

Any action taken by a state (including United States) official in purported exercise of authority conferred by state (including United States) is action "under color of" a Civil Law; statute, ordinance, regulation, custom or usage of any state or territory, which subjects, or causes to be subjected any American Citizen and/or other individual within the jurisdiction thereof to the deprivation of any fundamental rights protected by the Declaration of Independence of 1776, and secured by the Constitution for the United States and the Bill of Rights, and any lawfully adopted Amendments added thereto, as well as the Declaration of Rights contained in Article One of the (state) Constitutions, shall be liable to the party injured in a common law court action.

The only exception to the above requires the existence and production of a bona fide signed contract or agreement that was knowingly and voluntarily entered into without fraud, misrepresentation, coercion, intimidation, threats of boycott, or duress by any public corporate government official.

The law is very clear regarding the unalienable rights of man as is evident in the following court decisions herein:

"A right which is free and open to all is not the subject of a license." *Gearty v. Brown*, 214 F 240

"The use of the common highways for travel and transportation is not a mere privilege but a fundamental right." *Embudo v. California*, 35 Cal 2d 870

"So long as one uses his property for private purposes and does not devote it to public use, the public has no interest in it and no voice in its control." *Associated Pipe v. Railroad Commission*, 174 Cal 548

"The claim and exercise of unalienable rights is not a subject of legislation, neither state or federal. The claim and exercise of a Constitutional right cannot be converted to a crime." *Miller v. U.S.*, 230 F 486 at 489

"The state and its municipalities are prohibited from violating relocation rights." *Green v. City*, 445 US 622 (1980)

"...among which are the right to travel from of Missouri, Sen. Tex, within the interstate." *Gandall v. Nevada*, 73 US 35

"...and it cannot by any power do that which is expressly prohibited by any other power, that is taxation, eminent domain, licensing, as a matter of law..." *State v. Smith*, 22 F 159

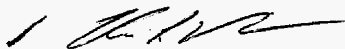
"...nor may it do so indirectly..." *Goldstein v. US*, 181 US 214, 300

"The individual man stands upon his constitutional rights as a Human Citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited (i.e. spring for independent contractorship instead of typical employment). He owes no duty to the State or to his neighbors to divulge his business, or to open his door to an investigation, so far as it may tend to criminate him (sic). He owes no allegiance to the State, since by contract he has thereon, beyond the protection of his life and property. His rights are such as conferred by the law of the land long antecedent to the organization of the State, and can only be taken from him by plain processes of law, and in accordance with the Constitution. Among his rights are a right to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of law. He owes nothing to the public as long as he does not trespass upon their rights." *State v. Smith*, 201 U.S. 43 (1905)

In light of the above, you are hereby given notice that any action you may take under authority of Civil Law is an action "under color of law" and if such action causes the deprivation of any personal property rights or if you attempt by force or misrepresentation to create, withhold, withhold, withhold or threat to sue for the purpose of forcing me to contribute to any public governmental corporate agency or local government agency will be direct violation of my own will. The suit to you and also any co-conspirator will start at 100,000 dollars each; if there are three (3) or more persons involved then 18 U.S.C. 1761-1768 OACA will be invoked, plus the value of any injury or injury to me of loss or other such property.

* Proceedings may be filed against you in your personal capacity in any or all of the following manner for redress of the deprivation of any personal or real property rights by any act mentioned hereinabove, as well as the immediate attachment of your liability bond:

1. By notice and demand for payment and default action under the Uniform Commercial Code;
2. By Writ of Habeas Corpus and related statutes both state and federal, both criminal and civil;
3. By request to the Office of the Department of Justice for criminal referral under 18 USC Sections 241, 242 and other related statutes.


Contractual signature of arresting officer/agent

ATTACHMENT (B)