

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of PATS
certificate holders for apparent first-time
violation of Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 060465-TC
ORDER NO. PSC-06-0614-PAA-TC
ISSUED: July 20, 2006

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING PENALTIES AND
COLLECTION COSTS, AND REQUIRING PAYMENT OF DELINQUENT REGULATORY
ASSESSMENT FEES, OR CANCELLING PATS CERTIFICATES FOR VIOLATION OF
RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE

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.

Pursuant to Rule 25-4.0161(10), Florida Administrative Code, telecommunications companies that fail to pay the Regulatory Assessment Fee, including statutory late payment charges, within 15 days after receiving a delinquent notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. The penalty amounts include collection costs. If an entity fails to pay the Regulatory Assessment Fee in full, including statutory late payment charges, along with the penalty amount, that entity's certificate shall be cancelled.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee of \$50 if the certificate was 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. Pursuant to Section 350.113(4), Florida Statutes, the Regulatory Assessment Fee return forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. All entities that apply for a certificate receive a copy of our rules governing pay telephone service (PATS).

The Division of the Commission Clerk and Administrative Services (CCA) advised our staff that the entities listed below failed to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ENTITY'S NAME	CO. CODE
E-Z Phone, Inc.	TC105
Roger Matthew Clyne d/b/a Harbour Payphones	TE625
Agent Alliance Corporation	TE692
Sergio M. Delarosa d/b/a VENDCOMM	TE704
Monroe Norris Kneece	TE720
Ignazio M. Digerlando & Jerry L. Williams	TE721
Payphones U.S.A., Inc.	TE820
Penn Boys Legend Telecom, Inc.	TF900
Gary A. Oyler	TG187
Palm-Tel Communications, Inc.	TG431
Maria Elena Neeley	TG658
Freedom Phone Services, LLC	TG724
Bhavanaben S Patel and Sureshchandra S Patel d/b/a Cozy Court Motel	TG786
Royal Tech Communications, Inc.	TG790
National Telephone Company, L.L.C.	TG842
Phone1, Inc	TG869
International Payphone Corporation	TG871
Mintesnot Hailemariam	TG872
Scott G. Melick d/b/a Online Payphone Systems	TG889

ENTITY'S NAME	CO. CODE
Jaroth, Inc. d/b/a Pacific Telemangement Services	TG903
CI2, Inc.	TG913
Robert P. Schmidt d/b/a Public Payphone Company	TG915
WEB-stations, Inc.	TG934
Esllys J. Vasquez d/b/a E & G Computers - Electronics	TG943
TNT Communication Services, Inc.	TG949
Arctic Fun, Inc.	TG955
David L Nelson d/b/a DNL Telephone Co.	TG971
T.L.C. Hospitality, L.L.C. d/b/a Holiday Inn Express Hotel and Suites	TG975
Tom Hopper	TG987
Adam D. Bowie	TH012
Maria C. Martinez-Canino d/b/a National Communications Network	TH019
Judy Brown Montanez and Armando Montanez	TH023
Martha E Hegenbarth-Fowler d/b/a MKM Telecommunication Services	TH032
Florida ATM Management, Inc.	TH034
Gregory J. Megas, Sr.	TH036
Dean Newell	TH039
James Larman	TH040

ENTITY'S NAME	CO. CODE
Candy Fawley	TH041
Seashore Software, Inc. d/b/a Seashore Services, Inc.	TH043
Sopchoppy Payphone Repair Inc	TH046
Habib Fayiz	TH048
Speed Power Communications, Inc.	TH050

Accordingly, we hereby find it appropriate to cancel each entity's PATS certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless each entity pays a penalty and cost of collection, together totaling \$500, and remits any past due Regulatory Assessment Fees, along with accrued statutory late payment charges, to the Florida Public Service Commission.

If this Order is not protested, each entity's respective PATS Certificate shall be cancelled. If an entity pays the penalty and cost of collection, together totaling \$500, and remits any past due Regulatory Assessment Fees, along with accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's respective PATS certificate will remain active. If an entity fails to protest the Order or pay the penalty and cost of collection, together totaling \$500, and fails to remit any past due Regulatory Assessment Fees, along with accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's PATS certificate should be cancelled administratively, and the collection of the past due Regulatory Assessment Fees should be referred to the Florida Department of Financial Services for further collection efforts. If an entity's PATS certificate is cancelled in accordance with this Commission's Order, that company should be required to immediately cease and desist providing pay telephone service in Florida. This docket should be closed administratively either upon receipt of the payment of the penalty and cost of collection, together totaling \$500, and any past due Regulatory Assessment Fees, along with accrued statutory late payment charges from each entity, or upon cancellation of that entity's PATS certificate. If an entity's PATS certificate is cancelled in accordance with this Order and it subsequently decides to reapply for a certificate as a pay telephone company, that entity shall be required to first pay the penalty and cost of collection, together totaling \$500 and any outstanding fees, including accrued statutory late payment charges. We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, 364.3375, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein shall pay a penalty and cost of collection, together totaling \$500, and any past due Regulatory Assessment Fees, including statutory late payment charges, to the Florida Public

Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, by the end of the protest period. The cost of collection will be subtracted from any monies collected as payments (full or partial) of the penalty and cost of collection, and will be deposited, along with the past due Regulatory Assessment Fees, in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. The statutory late payment charges and any portion of the penalty exceeding the cost of collection will be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's certificate shall be cancelled. It is further

ORDERED that the cancellation of the certificate in no way diminishes any of the entities' obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory late payment charges. If any company listed in this Order has its respective certificate cancelled, and subsequently decides to reapply for certification as a pay telephone company, that company shall be required to first pay any outstanding penalties and cost of collection and fees, including accrued statutory late payment charges. Any unpaid Regulatory Assessment Fees, and accrued statutory late payment charges, shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if an entity's certificate is cancelled in accordance with this Order, that entity shall immediately cease and desist providing pay telephone service in Florida. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. 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 upon receipt of the imposed penalty and cost of collection, together totaling \$500, and Regulatory Assessment Fees, including statutory late payment charges, from each entity or upon cancellation of that entity's PATS certificate.

By ORDER of the Florida Public Service Commission this 20th day of July, 2006.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

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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.

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 August 10, 2006.

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.