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09 MAR -6 PM 12:31

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date: 3/6/2009 Docket No.: 090104-TC

1. Division Name: Staff Name: Division Of Regulatory Compliance/Isler

2. OPR:

3. OCR: Office Of The General Counsel

4. Suggested Docket Title: Request for cancellation of PATS Certificate No. 1569 by City Telephone Company, effective February 25, 2009.

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):

Table with 2 columns for listing parties and their representatives.

2. Interested persons and their representatives (if any):

Table with 2 columns for listing interested persons and their representatives.

6. Check one:

- [X] Documentation is attached.
[] Documentation will be provided with recommendation.

DOCUMENT NUMBER-DATE

0184 | MAR-6 8

FPSC-COMMISSION CLERK

**Paula Isler**

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**From:** Paula Isler  
**Sent:** Thursday, March 05, 2009 2:16 PM  
**To:** 'Phil Whitaker'  
**Subject:** RE: TD444 - City Telephone Company

OK, thanks.

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**From:** Phil Whitaker [mailto:atmtpc@bellsouth.net]  
**Sent:** Thursday, March 05, 2009 2:15 PM  
**To:** Paula Isler  
**Subject:** RE: TD444 - City Telephone Company

Hi Paula,

We'll do it the right way and cancel voluntarily. Thank you.

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**From:** Paula Isler [mailto:PIsler@PSC.STATE.FL.US]  
**Sent:** Thursday, March 05, 2009 2:08 PM  
**To:** Phil Whitaker  
**Cc:** atmtpc@bellsouth.net  
**Subject:** FW: TD444 - City Telephone Company

Dear Mr. Whitaker:

After reviewing your letter, I'm now ready to open a docket to cancel City Telephone's certificate. There are two types of cancellation, voluntary and involuntary. A voluntary cancellation is when a company leaves in good standing and pays all applicable Regulatory Assessment Fees. An involuntary cancellation is when a certificate is cancelled on the Commission's own motion for violation of rules, statutes, or orders.

If you want a voluntary cancellation, the amount due is \$212, which is for the 2008 RAF and late payment charges, plus the 2009 RAF. The 2008 and 2009 RAF return forms are attached to this e-mail.

If the full amount cannot be paid, then the cancellation will be involuntary and any unpaid fees are turned over to collections. Please let me know your intentions concerning payment of the RAFs so I will know how to proceed. Thanks.

Paula Isler

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**From:** Phil Whitaker [mailto:whit1007@bellsouth.net]  
**Sent:** Wednesday, February 25, 2009 1:51 PM  
**To:** Paula Isler  
**Subject:** RE: TD444 - City Telephone Company

Paula,

3/5/2009

Thank you for contacting me. Please refer to the attached letter of certificate cancellation

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**From:** Paula Isler [mailto:PIsler@PSC.STATE.FL.US]  
**Sent:** Friday, February 20, 2009 8:38 AM  
**To:** whit1007@bellsouth.net  
**Subject:** RE: TD444 - City Telephone Company

Thanks for responding Mr. Whitaker. I cannot find record where you requested cancellation of your payphone certificate. If you have not, we need a letter from you requesting cancellation and a statement concerning your intent on payment of the Regulatory Assessment Fees. In other words, either state that payment is enclosed or that you will be unable to pay the fees (for whatever reason). That way, I will know how to handle this and can open a docket to cancel your certificate instead of opening a docket to fine City Telephone Company for violation of the RAF rule. The bad news here is that because we did not receive a request for cancellation before the due date of January 30th, City Telephone would also owe the 2009 RAF (in addition to the 2008 RAF).

Just so you'll know, normally in a couple of months, I would open dockets on those companies that have not complied with the RAF rule. Those companies would automatically be fined. If a company requested cancellation prior to the 15 days before receiving the delinquent notice, then they would not have a fine on their record. If a company did this and did not pay the RAF, then we would still cancel their certificate, it just would not be a voluntary cancellation.

Hope this all makes sense. Please let me know how you want to proceed. Thanks.

Paula

Paula Isler  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
(850) 413-6502-Phone  
(850) 413-6503-Fax  
PIsler@psc.state.fl.us

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**From:** whit1007@bellsouth.net [mailto:whit1007@bellsouth.net]  
**Sent:** Thursday, February 19, 2009 6:47 PM  
**To:** Paula Isler  
**Subject:** Re: TD444 - City Telephone Company

Hi Paula,

Unfortunately, I have sold or disconnect all my payphones.

----- Original message from "Paula Isler" <PIsler@PSC.STATE.FL.US>: -----

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Good morning:

The Commission is getting ready to mail out delinquent notices tomorrow, February 20,

3/5/2009

2009, to those companies that either have not paid the 2008 Regulatory Assessment Fee (RAF) or have not paid the 2008 RAF in full. Our records show that the company has not paid the 2008 RAF. I wanted to give you a heads up because those certificate holders not complying with the delinquent notices will subsequently be fined \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. This means that if the company does not complete the 2008 RAF return and RAF in full, it will be fined \$1,000 since this is its second offense. A copy of the Regulatory Assessment Fee rule is attached.

If the company owes the minimum and if payment is postmarked between January 31 and March 1, the total due is \$106, which is comprised of the \$100 minimum RAF, \$5 penalty, and \$1 interest. If payment is postmarked between March 2 and March 31, the total due is \$112, which is comprised of the \$100 minimum RAF, \$10 penalty, and \$2 interest. A copy of the 2008 RAF return form is also attached. Please complete it and return it with full payment, including the late payment charges. Just as information, late payment charges (penalty and interest) continue to accrue until the RAF is paid. Thanks.

Please let me know if you have any questions.

Paula Isler  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
(850) 413-6502-Phone  
(850) 413-6503-Fax  
[PIsler@psc.state.fl.us](mailto:PIsler@psc.state.fl.us)

**City Telephone Company**  
**Technology Processing Center**  
*The most trusted name in ATM Processing*

February 25, 2009

Paula Isler  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Dear Paula,

I am responding to your recent email dated February 20<sup>th</sup>.

Please let this letter serve as my official notice to the FPSC that City Telephone Company no longer operates pay telephones in the state of Florida. Our last remaining six pay telephone lines were disconnected and equipment removed in 2008.

Consequently, please cancel our certificate. We have no need to keep it active going forward. If we owe any thing to the FPSC, please let us know and we will pay any overdue mount.

In the meantime, let me take this opportunity to sincerely thank you for your many years of service to all of us here at City Telephone Company. I recall many times how you bent over backwards to work with us. You are a credit to your department and to all who work in the telecommunications industry in Florida

Best regards,



Phil Whitaker - President

## MCD Company Information for TD444

Printed on 03/05/2009 at 14:37:27 by PJI

Company Code: TD444  
Complete Name: City Telephone Company  
Mailing Name: City Telephone Company  
Certificate No(s): 1569  
Status: Active  
Regulation Date: 05/28/1987  
Bankruptcy: No  
Company Liaison #1: Phil Whitaker  
Title: C.E.O.  
Mailing Address: P. O. Box 667045

Physical Location: Pompano Beach, FL 33066-7045  
453 West Palm Aire Drive

Phone: Pompano Beach, FL 33069-5545  
(954) 354-1441  
Fax: (866) 265-4060

### Related Dockets:

870291-TC Application of FIRST AMERICAN PAY TELEPHONE CORPORATION for certificate to provide Pay Telephone Service.

911175-TC Request for name change on Pay Telephone Certificate No. 1469 to CITY TELEPHONE COMPANY d/b/a CITITEL by FIRST AMERICAN PAY TELEPHONE CORPORATION, INC.

981545-TC Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 1569 issued to City Telephone Company d/b/a Cititel for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

000528-TC Request for name change on Pay Telephone Certificate No. 1569 from City Telephone Company d/b/a Cititel to City Telephone Company.