

DOCKET NO.: 971245-TC - [James N. Johnson]

WITNESS:        **Rebuttal Testimony of Kelly B. Biegalski.**  
Appearing on Behalf of the Staff of The Florida Public  
Service Commission, Division of Communications

DATE FILED:    March 6, 1998

DOCUMENT NUMBER-DATE

**02959** MAR -6 98

FPSC-RECORDS/REPORTING

1 JAMES N. JOHNSON

2 REBUTTAL TESTIMONY OF KELLY B. BIEGALSKI

3 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

4 DOCKET 971245-TC

5 MARCH 6, 1998

6

7 Q. PLEASE STATE YOUR NAME, ADDRESS, AND POSITION WITH THE FLORIDA  
8 PUBLIC SERVICE COMMISSION.

9 A. My name is Kelly Biegalski. My business address is 2540  
10 Shumard Oak Boulevard, Room 280G, Tallahassee, FL 32399-0850. I  
11 am a Regulatory Analyst III in the Division of Communications.

12

13 Q. ARE YOU THE SAME KELLY BIEGALSKI WHO EARLIER FILED DIRECT  
14 TESTIMONY IN THIS DOCKET?

15 A. Yes, I am.

16

17 Q. HAVE YOU REVIEWED THE TESTIMONY SUBMITTED IN THIS PROCEEDING ON  
18 FEBRUARY 6, 1998 BY JAMES N. JOHNSON?

19 A. Yes, I have.

20

21 Q. DO YOU DISAGREE WITH CERTAIN PORTIONS OF MR. JOHNSON'S  
22 TESTIMONY?

23 A. Yes, I do.

24

25

CODING: Words underlined are additions; words in  
~~struck-through~~ type are deletions from existing law.

1 Q. DO YOU AGREE WITH MR. JOHNSON'S STATEMENT THAT HE DID NOT  
2 PERSONALLY RECEIVE NOTICE OF THE DELINQUENCY?  
3 A. No. Staff mailed Mr. Johnson a certified letter on June 3,  
4 1997, which was signed for and received by Mr. Johnson's wife on  
5 June 13, 1997.  
6  
7 Q. DO YOU AGREE WITH MR. JOHNSON'S STATEMENT THAT HE WAS NOT  
8 NOTIFIED THAT HE WAS IN ARREARS?  
9 A. No. Mr. Johnson is sent the Regulatory Assessment Fee form  
10 each year. In addition, staff shows a history of delinquent  
11 notices sent to Mr. Johnson from as far back as February 28, 1992.  
12 This history of delinquent notices is attached to my rebuttal  
13 testimony as an exhibit identified as KB-5.  
14  
15 Q. WHAT ARE THE BASES FOR YOUR RECOMMENDATION THAT CANCELLATION OF  
16 MR. JOHNSON'S CERTIFICATE IS MORE APPROPRIATE THAN A FINE?  
17 A. Mr. Johnson has failed to install payphones or provide pay  
18 telephone services since he was granted his certificate in 1985.  
19 In addition, Mr. Johnson's payment history reflects a pattern of  
20 delinquent payments. Mr. Johnson's payment history is attached to  
21 my rebuttal testimony as an exhibit identified as KB-6.  
22  
23 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?  
24 A. Yes, it does.  
25

CODING: Words underlined are additions; words in  
~~struck-through~~ type are deletions from existing law.

Commissioners:  
 JULIA L. JOHNSON, CHAIRMAN  
 SUSAN F. CLARK  
 J. TERRY DEASON  
 JOE GARCIA  
 DIANE K. KRESLING



STEVE TRUBBLE, DIRECTOR  
 DIVISION OF ADMINISTRATIVE SERVICES  
 (904) 413-6330

## Public Service Commission

June 3, 1997

CERTIFIED MAIL  
 RETURN RECEIPT REQUESTED  
 P174 241 004

TC124  
 James N. Johnson  
 P. O. Box 1694  
 Ft. Pierce, FL 34954-1694

Dear Sir:

According to the Commission's records, we have not received payment for your Regulatory Assessment Fee for the year(s) listed below:

1993, 1992

If your records indicate that payment was made for any of the year(s) listed above, please furnish the Commission with a copy of both front and back of your canceled check and we will research the payment and advise you of the status. If your Regulatory Assessment Fee Filing along with your payment, and/or written inquiry explaining why payment has not been submitted, is not received in this office by June 18, 1997 action will be initiated to cancel your certificate. Our records indicate that a Regulatory Assessment Fee Return was mailed for each of the year(s) referenced, however in the event that you need another form, enclosed is a second copy for each year(s) listed.

According to Page Four (4) of the application package that you received, (Item Number 1 under Section B.), you are responsible for the minimum annual fee of \$50 once you are issued a certificate, whether or not you installed a phone or provided services.

This is also to advise that pursuant to Florida Law, interest charges should be added to your late Regulatory Assessment Fee payment at 12% per annum, and a 5% penalty for each 30-day period or fraction thereof up to a maximum of 25%. If you have any questions regarding this notice, please call Mr. Charles Byrne at (904) 413-6267 or Mr. Michael Lake at (904) 413-6271.

Sincerely,

Evelyn Sewell, Chief  
 Bureau of Fiscal Services

EHS\CB\DEL91-6.CLB

c: Mr. Charles Byrne

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
SUSAN F. CLARK  
J. TERRY DEASON  
JOE GARCIA  
DUANE K. KIEHLING



STEVE TRIBBLE, DIRECTOR  
DIVISION OF ADMINISTRATION  
(904) 413-6330

## Public Service Commission

TC124  
James N. Johnson  
P. O. Box 1694  
Ft. Pierce, FL 34954-1694

February 28, 1997

### Delinquent Notice - Pay Telephone Service Provider

According to the Commission's records, we have not received payment for your 1996 Regulatory Assessment Fee covering the period January 1, through December 31, 1996, which was due on January 30, 1997. If your RAF Filing and payment are not received in this office by March 14, 1997, your certificate may be canceled, and your account may be referred to the Commission's Division of Legal Services for appropriate action.

This is also to advise that pursuant to Florida Law, you shall add interest charges at 12% per annum, and a 5% penalty for each 30-day period or fraction thereof up to a maximum of 25%, in addition to the delinquent amount due. If you have paid your RAF, please provide us with your check number and the date that it was paid.

Should you have any questions, please contact Mr. Charles Byrne at (904) 413-6267.

c: Charles Byrne  
Brenda Hawkins

C:\FORMS\LETTERS\DELSPY.LTR

Commissioners:  
SUSAN F. CLARK, CHAIRMAN  
J. TERRY DEASON  
JULIA L. JOHNSON  
DIANE K. KIESLING  
JOE GARCIA



RECEIVED  
DIVISION OF COMMUNICATIONS  
WALTER D. HASSELBERG  
DIRECTOR  
(904) 413-6600

MAIL ROOM 15-014768223  
7/9/96

# Public Service Commission

July 9, 1996

50 RAF  
66 P&I

CERTIFIED DEPOSIT TREAS. REC.

TC 124

D351 .. .. NS 0596

Mr. James N. Johnson  
P. O. Box 1694  
Fort Pierce, FL 34954-1694

Laf  
\$15/96

Dear Mr. Johnson:

According to our records, you have not submitted your Regulatory Assessment Fee(s) for the year ending December 31, 1995. If we do not receive payment by August 1, 1996, staff will recommend that your payphone certificate be cancelled and the phone(s) disconnected. If you need information regarding your payment, please contact Ms. Lori Franklin at (904) 413-6267. If you have already paid your fee(s), just check below, initial and return this letter to me.

Pursuant to Public Service Commission Rule 25.24.520, F.A.C., if there is a change in your mailing address; number, street name, city, state, zip code and phone number, the new information should be submitted to the Division of Communications within 10 days of the change. If you wish to cancel your certificate, complete the attached form and return to me.

Should you need further information, I can be reached at (904) 413-6556.

Yes, my Regulatory Assessment Fee For 1995 has been paid.

*this date 7/30/96 I had to this money borrow been sick for three years*

Sincerely,

*Brenda H. Hawkins*

Brenda H. Hawkins  
Regulatory Analyst  
Service Evaluation

Record #1859

Commissioners:  
SUSAN F. CLARK, CHAIRMAN  
J. TERRY DEASON  
JULIA L. JOHNSON  
DIANE K. KIELENO  
JOE GARCIA



STEVE TRIBLE, DIRECTOR  
DIVISION OF ADMINISTRATION  
Capital Circle (1) 11th Center  
2540 Edmunds - 8th Boulevard  
Tallahassee, FL 32399-0864  
(904) 413-6337

## Public Service Commission

August 25, 1995

TC124  
James N. Johnson  
P. O. Box 1694  
Ft. Pierce, FL 34954-1694

*JAF*  
8/22/95

### DELINQUENT NOTICE - PAY TELEPHONE UTILITY

According to the Commission's records, your 1995 Regulatory Assessment Fee Filing has not been received for the period ending June 30, 1995, which was due on July 30, 1995. This is to advise that pursuant to Florida Law, interest at 12% per annum, plus a 5% penalty for each 30-day period or fraction thereof up to a maximum of 25%, will be assessed against any delinquent amount due. A Regulatory Assessment Fee Return must be filed regardless of whether there are no revenues to report.

If your Regulatory Assessment Fee Filing is not received in this office by September 8, 1995, your certificate may be canceled and your account referred to the Commission's Division of Legal Services for appropriate action.

Should you have any questions, please contact Mrs. Lori Franklin at (904) 413-6267.

LF:raf.ftnaldel

State of Florida

Commissioners:  
SUSAN F. CLARK, CHAIRMAN  
J. TERRY DEASON  
JULIA L. JOHNSON  
DIANE K. KIBBLE  
JOE GARCIA



STEVE TRIMBLE, DIRECTOR  
DIVISION OF ADMINISTRATION  
FLETCHER BUILDING  
101 EAST GADSDEN STREET  
TALLAHASSEE, FL 32399-0864  
(904) 488-4733

CK# 4,03  
\$ 50.00  
3-28-95  
m

**Public Service Commission**

STREET TRES. REC. DATE  
D146 22 1711 APR 06 95

February 28, 1995  
LAF 4/11/95

TC124  
James N. Johnson  
P. O. Box 1694  
Pt. Pierce, FL 34954-1694

MAIL ROOM  
FEB 28 3 07 PM '95

**DELINQUENT NOTICE - PAY TELEPHONE UTILITY**

According to the Commission's records, your 1994 Regulatory Assessment Fee has not been received for the period ending December 31, 1994, which was due on January 30, 1995. This is to advise that pursuant to Florida Law, interest at 12% per annum, plus a 5% penalty for each 30-day period or fraction thereof up to a maximum of 25%, will be assessed against any delinquent amount due.

If your Regulatory Assessment Fee is not received in this office by March 15, 1995, your certificate may be canceled and your account referred to the Commission's Division of Legal Services for appropriate action.

Should you have any questions, please contact Mrs. Lori Franklin at (904) 488-4733.

ST:ml:rafn.mts



Commissioners:

J. TERRY DEASON, CHAIRMAN  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KESLING  
LUIS J. LAUREDO



Page 6 of 7  
STEVE TRISSEL, DIRECTOR  
DIVISION OF ADMINISTRATION  
FLETCHER BUILDING  
101 EAST GAINES STREET  
TALLAHASSEE, FL 32399-0844  
(904) 488-4733

## Public Service Commission

March 7, 1994

TC124  
James H. Johnson  
P. O. Box 1694  
Ft. Pierce, FL 34954-1694

### DELINQUENT NOTICE - PAY TELEPHONE

According to the records in this office, the Florida Public Service Commission has not received your 1993 Regulatory Assessment Fee for the period ending December 31, 1993, which was due on January 30, 1994. This is to advise that pursuant to Florida Law, interest at 12% per annum, plus a 5% penalty for each 30-day period or fraction thereof up to a maximum of 25%, will be assessed against any delinquent amount due.

If your Regulatory Assessment Fee Filing is not received in this office by March 21, 1994, your certificate may be canceled and your account referred to the Commission's Division of Legal Services for appropriate action.

Should you have any questions, please call Mrs. Valerie Moore at Telephone (904) 488-4733

ST:ml:rafa.mts

Commissioners:  
THOMAS M. BEARD, CHAIRMAN  
BETTY EASLEY  
J. TERRY DEASON  
SUSAN F. CLARK



FLETCHER BUILDING  
101 EAST GAINES STREET  
TALLAHASSEE, FL 32399-0864  
JAMES A. WASH, DIRECTOR  
DIVISION OF ADMINISTRATION  
(904) 488-4111

## Public Service Commission

TC124  
James N. Johnson  
P. O. Box 1694  
Ft. Pierce, FL 34954-1694

February 28, 1992

### Delinquent Notice - Pay Telephone

According to our records, we have not received your 1991 Regulatory Assessment Fee for the period ending December 31, 1991, which was due on January 30, 1992.

This is to advise that pursuant to Florida Law, interest at 12% per annum, plus a 5% penalty for each 30-day period or fraction thereof up to a maximum of 25%, will be assessed against any delinquent amount due. If your Regulatory Assessment Fee Filing is not received in this office by March 12, 1992, your certificate may be canceled and your account referred to the Commission's Division of Legal Services for appropriate action.

Should you have any questions, please contact Mrs. Valorie Moore at telephone (904) 488-4733.

JAW:rafn.rva  
TC124

**Payment History**  
**James N. Johnson**  
**TC124**

RAF Period	RAF Paid	Postmark Date	Days Late	P&I Due	P&I Paid	Unpaid Balance
1991	\$50.00	03/09/92	39	\$3.00	\$3.00	\$0.00
1991	\$25.00	02/06/98	2226	\$26.00	\$26.00	\$0.00
1992	\$50.00	12/05/97	1770	\$42.00	\$0.00	\$42.00
1993	\$50.00	01/06/98	1437	\$36.50	\$27.00	\$9.50
1994	\$50.00	03/28/95	57	\$6.00	\$0.00	\$6.00
1995	\$50.00	07/31/96	122	\$16.00	\$6.00	\$10.00
1996	\$50.00	03/14/97	0	\$6.00	\$0.00	\$6.00
1997	\$50.00	01/24/98	0	\$0.00	\$0.00	\$0.00
	<b>\$375.00</b>			<b>\$135.50</b>	<b>\$62.00</b>	<b>\$73.50</b>

Note 1: It is assumed that the RAF due for each year is the Minimum fee of \$50.00.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Service Commission of  
Pay Telephone Certificate No.  
212 issued to James N. Johnson  
for violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees.

DOCKET NO. 971245-TC

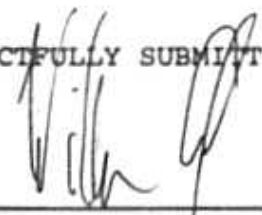
FILED: MARCH 6, 1998

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one true and correct copy of Staff's  
Rebuttal Testimony of Kelly B. Biegalski has been furnished by U.S.  
Mail this 6th day of March, 1998, to the following:

Mr. James N. Johnson  
100 Camelot Drive  
Ft. Pierce, FL 34946

RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_  
WILLIAM P. COX  
Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
(850) 413-6204