

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of
certificates to provide pay
telephone service for violation
of Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

Charles Borg
Pay Phone Systems
B & D Product Services, Inc.
d/b/a Quality Marketing Group
Thomas G. Bialozynski d/b/a
Country Quick Stop
Brooks L. Webb & Tom Marshall
d/b/a 5 Sons International
Infinitel, Inc.
Steven C. Sorenson
Export Experts & Imports, Inc.
Citizens Payphone Company
20/20 Communications
Hitsu, Inc.
Tariq El-Yaman
Parcom Communications, Inc.
d/b/a Par Com Communications
Willie B. Young Jr.
Premium Communication Services,
Inc.
Dallas & Charlene Merritt d/b/a
A & O Communications
TranStar Communications, Inc.
Phonexpert, Inc.
Michael S Sims d/b/a SunDial
Van J. Compoli and Robert Berg
d/b/a SouthEast Tel-Tech
Roger Hester d/b/a Catch 84
Communications
Michael Brandenberger
Dixon, Inc. d/b/a Dixon Telecom
Herve Salnave
Joseph D Cain d/b/a J & C
Communications
TFT Foundation, Inc.

DOCKET NO. 020767-TC
DOCKET NO. 020768-TC
DOCKET NO. 020769-TC

DOCKET NO. 020771-TC
DOCKET NO. 020772-TC

DOCKET NO. 020773-TC
DOCKET NO. 020780-TC
DOCKET NO. 020782-TC
DOCKET NO. 020784-TC
DOCKET NO. 020785-TC
DOCKET NO. 020790-TC
DOCKET NO. 020791-TC
DOCKET NO. 020792-TC

DOCKET NO. 020794-TC
DOCKET NO. 020795-TC

DOCKET NO. 020800-TC

DOCKET NO. 020806-TC
DOCKET NO. 020807-TC
DOCKET NO. 020809-TC
DOCKET NO. 020810-TC

DOCKET NO. 020812-TC

DOCKET NO. 020813-TC
DOCKET NO. 020816-TC
DOCKET NO. 020818-TC
DOCKET NO. 020819-TC

DOCKET NO. 020821-TC

DOCUMENT NUMBER-DATE

12885 NOV 25 88

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-1619-PAA-TC

DOCKETS NOS. 020767-TC, 020768-TC, 020769-TC, 020771-TC, 020772-TC, 020773-TC, 020780-TC, 020782-TC, 020784-TC, 020785-TC, 020790-TC, 020791-TC, 020792-TC, 020794-TC, 020795-TC, 020800-TC, 020806-TC, 020807-TC, 020809-TC, 020810-TC, 020812-TC, 020813-TC, 020816-TC, 020818-TC, 020819-TC, 020821-TC, 020915-TC, 020917-TC, 020956-TC

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Julie L. Stanfield and Frank K. Hunt d/b/a S & H Communications Boulevard Hotel, Inc. PayStar Communications, Inc.

DOCKET NO. 020915-TC

DOCKET NO. 020917-TC

DOCKET NO. 020956-TC

ORDER NO. PSC-02-1619-PAA-TC

ISSUED: November 25, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING PENALTIES,
REQUIRING PAYMENT OF DELINQUENT REGULATORY ASSESSMENT FEES,
OR CANCELLING PAY TELEPHONE CERTIFICATES

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.

Each of the companies listed on Attachment A, incorporated herein by reference, have not paid their 2001 Regulatory Assessment Fees (RAFs), plus statutory penalty and interest charges. Therefore, it appears the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees;

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Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code, and have not requested cancellation of their respective certificates in compliance with Rule 25-24.514, Florida Administrative Code. The penalty amount recommended in these dockets is consistent with amounts imposed for recent, similar violations. Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the year of cancellation.

Accordingly, we find it appropriate to assess a \$500 penalty or cancel each company's respective certificate as listed on Attachment A for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.505, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by us within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty shall be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If a company does not protest our Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, that company's certificate, as listed on Attachment A, shall be cancelled administratively and the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. If a company's certificate, as listed on Attachment A, is cancelled in accordance with our Order, the respective company shall immediately cease and desist providing pay telephone services in Florida.

We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed on Attachment A, incorporated herein by reference, shall pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$500 penalty to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code, within 14 days after the issuance of the Consummating Order. The penalties will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's certificate shall be canceled, effective on the date of issuance of the Consummating Order; the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts; and the respective docket shall be closed. It is further

ORDERED that if an entity's certificate is canceled in accordance with this Order, that entity shall immediately cease and desist providing pay Telephone services 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

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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.

By ORDER of the Florida Public Service Commission this 25th Day of November, 2002.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

WDK

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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 December 16, 2002.

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.

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ATTACHMENT A

1st Time Offenders - Nonpayment of RAFs - \$500 Penalty

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD ENDED</u>	<u>CERT. NO.</u>	<u>RAFs</u>	<u>Penalty and Interest*</u>
020767-TC	Charles Borg \$2,558 Revenues 12/31/00	3310	2001	1997 2001
020768-TC	Pay Phone Systems \$11,517 Revenues 12/31/00	3328	2001	1997 1998 2000 2001
020769-TC	B & D Product Services, Inc. d/b/a Quality Marketing Group \$0 Revenues 12/31/00	3393	2001	2001
020771-TC	Thomas G. Bialozynski d/b/a Country Quick Stop \$0 Revenues 12/31/00	3710	2001	2001
020772-TC	Brooks L. Webb & Tom Marshall d/b/a 5 Sons International \$615 Revenues 12/31/00	3735	2001	2001
020773-TC	Infinitel, Inc. \$151,465 Revenues 12/31/00	3885	2001	2001
020780-TC	Steven C. Sorenson \$0 Revenues 12/31/00	4639	2001	2001
020782-TC	Export Experts & Imports, Inc. \$0 Revenues 12/31/00	5409	2001	1999 2000 2001
020784-TC	Citizens Payphone Company \$0 Revenues	5898	2001	1998 2001

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12/31/00

020785-TC	20/20 Communications	5911	2001	2001
	\$15,256 Revenues			
	12/31/00			

*Years penalty and/or interest was not paid

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1st Time Offenders - Nonpayment of RAFs - \$500 Penalty - Continued

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD ENDED</u>	<u>CERT. NO.</u>	<u>RAF</u> s	<u>Penalty and Interest*</u>
020790-TC	Hitsu, Inc. \$0 Revenues 12/31/00	5991	2001	2001
020791-TC	Tariq El-Yaman \$0 Revenues 12/31/00	6018	2001	2001
020792-TC	Parcom Communications, Inc. d/b/a Par Com Communications \$0 Revenues 12/31/00	6046	2001	1999 2000 2001
020794-TC	Willie B. Young Jr. \$0 Revenues 12/31/00	7075	2001	2001
020795-TC	Premium Communication Services, Inc. \$187 Revenues 12/31/00	7084	2001	1999 2000 2001
020800-TC	Dallas & Charlene Merritt d/b/a A & O Communications -\$253 Revenues 12/31/00	7368	2001	2000 2001
020806-TC	TranStar Communications, Inc. -\$2,927 Revenues 12/31/00	7391	2001	2001
020807-TC	Phonexpert, Inc. \$0 Revenues 12/31/00	7424	2001	2001
020809-TC	Michael S Sims d/b/a SunDial \$0 Revenues 12/31/00	7482	2001	2001
020810-TC	Van J. Compoli and Robert Berg d/b/a SouthEast Tel-Tech \$0 Revenues 12/31/00	7548	2001	2001

*Years penalty and/or interest was not paid

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1st Time Offenders - Nonpayment of RAFs - \$500 Penalty - Continued

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD ENDED</u>	<u>CERT. NO.</u>	<u>RAF's</u>	<u>Penalty and Interest*</u>
020812-TC	Roger Hester d/b/a Catch 84 Communications No Previous Return Filed	7671	2001	2001
020813-TC	Michael Brandenberger No Previous Return Filed	7673	2001	2001
020816-TC	Dixon, Inc. d/b/a Dixon Telecom No Previous Return Filed	7766	2001	2001
020818-TC	Herve Salnave No Previous Return Filed	7777	2001	2001
020819-TC	Joseph D Cain d/b/a J & C Communications No Previous Return Filed	7778	2001	2001
020821-TC	TFT Foundation, Inc. No Previous Return Filed	7876	2001	2001
020915-TC	Julie L. Stanfield and Frank K. Hunt d/b/a S & H Communications \$0 Revenues 12/31/00	7480	2001	2001
020917-TC	Boulevard Hotel, Inc. No Previous Return Filed	7836	2001	2001
020956-TC	PayStar Communications, Inc. \$26,145 Revenues 12/31/00	7561	2001	2001

*Years penalty and/or interest was not paid