Pay Telepho	THE REGULATORY ASSESSMENT FEE RETURN NUT BEREATED WOR BEFO DE Service Provider Regulatory Assession 1999 NOV 24 PM 2: 10	ment Fee Return
STATUS:	Florida Public Service Seminission	FOR PSC USE ONLY Checker 1534
Actual Return	ISee FILING INSTRUCTIONS OF PORT IMISSION	s 50,00
Estimated Return	TG445	\$ 12.50
	Michael V. Davis	
PERIOD COVERED:	2818 South Magnolia Avenue Sanford, FL 32773-8005	s 5.00
12/22/98 TO 12/31/98 DEPOS		Postmark Date // 129/9
D214		di Initials of Preparer
(Name of Company)	(Address)	(City/State)
LINE	· · · · · · · · · · · · · · · · · · ·	
	COUNT CLASSIFICATION	AMOUN
1. Gross Operating Rev	enue	\$ <u>-0-</u>
2. Gross Intrastate Reve	enue	- 0-
3. LESS: Amounts Pai (Attach Listing)*	id for Services to Local Telephone Companies	(-0-
4. TOTAL REVENUE: (Line 2 less Line 3)	S for Regulatory Assessment Fee Calculation	\$0-
5. Regulatory Assessment	nt Fee Due - (Multiply Line 4 by 0.0015)	50-
6. Penalty for Late Pay	1	12.50
7. Interest for Late Pay	ment	5.00
8. TOTAL AMOUNT	DUE RIGHT DOMY	\$ 67.50
	1 Jones	
F	P	
	IN SECTION 364.336 FLORIDA STATUTES, THE MINIMUM	ANNUAL FEE IS \$50
I HIS FORM MUST BE	COMPLETED AND RETURNED REGARDLESS OF THE AMOUN	T OF REVENUES REPORTED
		- 0-
SHAEL V. DAVIS	63-8413/2670 <b>1534</b> 1943316207	(= +111-H
INESS ACCOUNT 3 S MAGNOLIA AVE. 407-323-4101	DATE / Low 23 1999	Doc. #14501-9
IFORD, FL 32773-8025		enhort shall be deducted from intrastate re
A REAL PROPERTY AND A REAL	Sensie Commission \$ 67.50	/
Figty seven 100 -	DOLLARS D. Contractor	he best of my knowledge and belief to owingly makes a false statement in wri
Washington Mutral Washington Mutual Bank, EA	1 . A. Frankland	e second degree.
Orlando/Collegenerational Center 1709 1-800-788-7000 Orlando, FL 32804 CERT 5974 hour Customer Servic	DATE DATE	<u> </u>
1998 Assessment Fre	Vhl 1. 55 1 10V 24 6m	-410 Fax Number (407 )839-0

Michael V. Davis 2818 S. Magnolia Avenue Sanford, FL 32773 407-323-4101

Florida Public Service Commission Ms. Paula Isler, Telecommunications Dept. 2540 Shumard Oak Blvd. Tallahassee, Florida 32399

ADMINISTRATION 1999 NOV 24 PM 2:09 FLORIDA PUBLIC SERVICE COMMISSION

DIVISION OF

### November 23, 1999

### VIA EXPRESS MAIL #EK301517770US

### **RE: Docket 991349-TC**

Dear Ms. Isler:

Enclosed you will find a completed Pay Telephone Service Provider Regulatory Assessment Fee Return and a check in the amount of \$67.50 to cover the Regulatory Assessment Fee for 1998, the late fee and interest for Certificate #5976 issued under my name.

As we discussed, I was aware that an Assessment Fee was due each calendar year based on the affidavit I signed in my original application for certification. When I did not receive a return in January 1999, I called the PSC to inquire about whether the fee would be due for 1998, since my certificate was finalized 10 days before the end of the year. I was told that if I had not received a return, I would not be liable for the fee until the following year, given that my certificate was granted at the end of the year and I had no revenue. It is now abundantly clear to me that this information was erroneous.

Notwithstanding the above, I would certainly have responded to a delinquent notice, which according to your records was mailed to my address on March 17, 1999. No such notice ever arrived. I saw today that the zip+4 suffix that the PSC added to my address is incorrect (it should be 8025, not 8005). This may explain why the delinquent notice was not received. However, the three other entities that received certificates on the same day as me (see attached) are also being fined for non-payment of the Assessment Fee. Could it be that all four of us "slipped through the cracks" and the returns or delinquent notices were never mailed to us because of a clerical error?

I have invested thousands of dollars in payphones and don't expect to see a return on my investment for at least two years. If it is the Commission's final decision to impose a \$500.00 fine, I will pay it rather than lose my certificate and my investment. But I would ask you to reconsider your recommendation based on the circumstances outlined above. Please advise me of your final decision prior to the issuing of the Consumating Order. I may be contacted at 407-323-4101 or by cell phone at 407-928-3811. Thank you for your kind consideration.

Respectfully submitted Michael V. Davis

Enc.

# BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Applications for certificates to provide pay telephone service by:	
Michael V. Davis Marie Platel-Wesh	DOCKET NO. 981393-TC DOCKET NO. 981397-TC
American Teller & Communications Inc.	DOCKET NO. 981399-TC
Carl Wenger	DOCKET NO. 981429-TC
	ORDER NO. PSC-98-1589-FOF-TC ISSUED: November 30, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman J. TERRY DEASON SUSAN F. CLARK JOE GARCIA E. LEON JACOBS, JR.

# NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING CERTIFICATES TO PROVIDE PAY TELEPHONE SERVICE

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.

The entities listed below have applied for certificates to provide Pay Telephone (PATS) service pursuant to Section 364.3375, Florida Statutes. Upon consideration of their applications, it appears to be in the public interest to grant the following PATS certificates to the entities listed below.

ENTITY'S NAME	CERTIFICATE NO.
Michael V. Davis	5976
Marie Platel-Wesh	5977
American Teller & Communications Inc.	5980
Carl Wenger	5979

Agenda for Commission Conference November 30, 1999

ITEM NO.	CASE
25**PAA	Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.
	DOCKET NO. 991348-TC - Parallel Foundation, Inc. DOCKET NO. 991349-TC - Michael V. Davis DOCKET NO. 991351-TC - Marie Platel-Wesh DOCKET NO. 991352-TC - American Teller & Communications Inc. DOCKET NO. 991353-TC - Carl Wenger DOCKET NO. 991358-TC - SM 106 Ltd.
	Critical Date(s): None
	Commissioners Assigned: Full Commission Prehrg Officer JC
	Staff: CMU: Isler LEG: K. Peña, B. Keating
	Issue 1: Should the Commission impose a \$500 fine or cancel the pay telephone certificates issued to each company listed on page 4 of staff's November 18, 1999 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's certificate listed on page 4 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after issuance of the Consummating Order. The fine should 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 the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the pay telephone certificates listed on page 4 should be canceled administratively.

<u>Issue 2</u>: Should these dockets be closed? <u>Recommendation</u>: Yes, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the proposed agency action order.