

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of
certificates to provide pay
telephone services.

Anthony T. Giansante d/b/a Smart
Pay Phones of Florida
Douglas C. Parrish, Jr.
Payphones Unlimited Inc.
George H. Meyer
TDB Systems
Lizabeth Perez
Fikrat Tahhan
Resource Express Inc.
Intele - Management, LLC
Kwik-Mart, Inc.
Larry E. Sherman d/b/a Brevard
Payphone Systems
Clean Machine of South Beach,
Inc.
PSI International, Corp.
Federal Correctional Institution
Miami
Sovicha Corp.
@comm inc.
Advanced Communication Service
USA Inc.
Donald Mark Deaton d/b/a Deaton
Communications
Kim Kuczynski
Colony 14 Communications, Inc.
Jim H. Fluck d/b/a BSI
Noel C. Mackay
FTF, Inc.
Jorge E. Zapata

DOCKET NO. 030687-TC

DOCKET NO. 030688-TC

DOCKET NO. 030689-TC

DOCKET NO. 030690-TC

DOCKET NO. 030703-TC

DOCKET NO. 030704-TC

DOCKET NO. 030708-TC

DOCKET NO. 030717-TC

DOCKET NO. 030719-TC

DOCKET NO. 030721-TC

DOCKET NO. 030724-TC

DOCKET NO. 030725-TC

DOCKET NO. 030726-TC

DOCKET NO. 030727-TC

DOCKET NO. 030728-TC

DOCKET NO. 030729-TC

DOCKET NO. 030730-TC

DOCKET NO. 030731-TC

DOCKET NO. 030732-TC

DOCKET NO. 030733-TC

DOCKET NO. 030734-TC

DOCKET NO. 030735-TC

DOCKET NO. 030742-TC

DOCKET NO. 030743-TC

ORDER NO. PSC-03-1123-PAA-TC

ISSUED: October 8, 2003

DOCUMENT NUMBER-DATE

09765 OCT-8 3

FPSC-COMMISSION CLERK

ORDER NO. PSC-03-1123-PAA-TC

DOCKETS NOS. 030687-TC, 030688-TC, 030689-TC, 030690-TC, 030703-TC, 030704-TC, 030708-TC, 030717-TC, 030719-TC, 030721-TC, 030724-TC, 030725-TC, 030726-TC, 030727-TC, 030728-TC, 030729-TC, 030730-TC, 030731-TC, 030732-TC, 030733-TC, 030734-TC, 030735-TC, 030742-TC, 030743-TC

PAGE 2

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING PENALTIES AND REQUIRING PAYMENT
OF DELINQUENT REGULATORY ASSESSMENT FEES, OR
CANCELING 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.

The Division of the Commission Clerk and Administrative Services advised our staff that the entities listed below had not paid the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year(s) specified below. Also, accrued statutory penalties and interest charges for late RAFs payments for the year(s) specified below had not been paid. The entities listed below were scheduled to remit their respective RAFs by January 30, 2003.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFs 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),

ORDER NO. PSC-03-1123-PAA-TC

DOCKETS NOS. 030687-TC, 030688-TC, 030689-TC, 030690-TC, 030703-TC, 030704-TC, 030708-TC, 030717-TC, 030719-TC, 030721-TC, 030724-TC, 030725-TC, 030726-TC, 030727-TC, 030728-TC, 030729-TC, 030730-TC, 030731-TC, 030732-TC, 030733-TC, 030734-TC, 030735-TC, 030742-TC, 030743-TC

PAGE 5

company's name. The penalties will be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285 (1), Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and penalties are received, each docket shall be closed. Should any of the entities fail to comply with this Order within 14 days after the issuance of the Consummating Order, the entity shall have its certificate 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 docket shall be closed. The cancellation of the certificate in no way diminishes any of the entity's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges. 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. We are vested with jurisdiction over this matter pursuant to Sections 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 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, and Rule 25-4.0161, 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

ORDER NO. PSC-03-1123-PAA-TC

DOCKETS NOS. 030687-TC, 030688-TC, 030689-TC, 030690-TC, 030703-TC, 030704-TC, 030708-TC, 030717-TC, 030719-TC, 030721-TC, 030724-TC, 030725-TC, 030726-TC, 030727-TC, 030728-TC, 030729-TC, 030730-TC, 030731-TC, 030732-TC, 030733-TC, 030734-TC, 030735-TC, 030742-TC, 030743-TC

PAGE 4

Clean Machine of South Beach, Inc.	7672	2002	2002
PSI International, Corp.	7704	2002	2002
Federal Correctional Institution Miami	7818	2002	2002
Sovicha Corp.	7835	2002	2001 2002
@comm inc.	7884	2002	2002
Advanced Communications Service USA Inc.	7940	2002	2002
Donald Mark Deaton d/b/a Deaton Communications	7951	2002	2001 2002
Kim Kuczynski	8029	2002	2002
Colony 14 Communications, Inc.	8097	2002	2002
Jim H. Fluck d/b/a BSI	8103	2002	2002
Noel C. Mackay	8098	2002	2002
FTF, Inc.	8171	2002	2002
Jorge E. Zapata	8180	2002	2002

For the reason described above, pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel each entity's certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless each entity pays a \$500 penalty and remits all past due RAFs, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. Each entity must comply with these requirements within 14 days after the issuance of the Consummating Order, as explained in the Notice of Further Proceedings attached to this Order. The payment should be identified with the docket number and the

ORDER NO. PSC-03-1123-PAA-TC

DOCKETS NOS. 030687-TC, 030688-TC, 030689-TC, 030690-TC, 030703-TC, 030704-TC, 030708-TC, 030717-TC, 030719-TC, 030721-TC, 030724-TC, 030725-TC, 030726-TC, 030727-TC, 030728-TC, 030729-TC, 030730-TC, 030731-TC, 030732-TC, 030733-TC, 030734-TC, 030735-TC, 030742-TC, 030743-TC

PAGE 3

Florida Statutes, the RAFs 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 certification receive a copy of our rules governing Pay Telephone service.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
Anthony T. Giansante d/b/a Smart Pay Phones of Florida	2874	2002	2002
Douglas C. Parrish, Jr.	3207	2002	2002
Payphones Unlimited Inc.	3618	2002	2002
George H. Meyer	3764	2002	1999 2000 2001 2002
TDB Systems	5051	2002	1998 2001 2002
Lizabeth Perez	5382	2002	2002
Fikrat Tahhan	5843	2002	2002
Resource Express Inc.	5917	2002	2001 2002
Intele - Management, LLC	7265	2002	2002
Kwik-Mart, Inc.	7365	2002	2000 2001 2002
Larry E. Sherman d/b/a Brevard Payphone Systems	7538	2002	2002

ORDER NO. PSC-03-1123-PAA-TC

DOCKETS NOS. 030687-TC, 030688-TC, 030689-TC, 030690-TC, 030703-TC, 030704-TC, 030708-TC, 030717-TC, 030719-TC, 030721-TC, 030724-TC, 030725-TC, 030726-TC, 030727-TC, 030728-TC, 030729-TC, 030730-TC, 030731-TC, 030732-TC, 030733-TC, 030734-TC, 030735-TC, 030742-TC, 030743-TC

PAGE 6

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 penalties and interest charges. 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

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

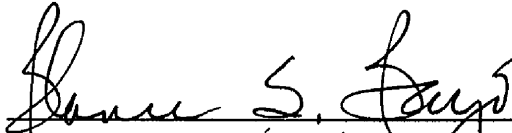
ORDERED that in the event this Order becomes final, each docket shall be closed upon payment of the penalty, and fees, or upon cancellation of the certificate.

ORDER NO. PSC-03-1123-PAA-TC

DOCKETS NOS. 030687-TC, 030688-TC, 030689-TC, 030690-TC, 030703-TC, 030704-TC, 030708-TC, 030717-TC, 030719-TC, 030721-TC, 030724-TC, 030725-TC, 030726-TC, 030727-TC, 030728-TC, 030729-TC, 030730-TC, 030731-TC, 030732-TC, 030733-TC, 030734-TC, 030735-TC, 030742-TC, 030743-TC

PAGE 7

By ORDER of the Florida Public Service Commission this 8th Day of October, 2003.



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

(S E A L)

VSM

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.

ORDER NO. PSC-03-1123-PAA-TC

DOCKETS NOS. 030687-TC, 030688-TC, 030689-TC, 030690-TC, 030703-TC, 030704-TC, 030708-TC, 030717-TC, 030719-TC, 030721-TC, 030724-TC, 030725-TC, 030726-TC, 030727-TC, 030728-TC, 030729-TC, 030730-TC, 030731-TC, 030732-TC, 030733-TC, 030734-TC, 030735-TC, 030742-TC, 030743-TC

PAGE 8

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 October 29, 2003.

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.