

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

|                                 |   |                      |
|---------------------------------|---|----------------------|
| IN RE: Amendment of Rule        | ) | DOCKET NO. 880636-TP |
| 25-24.512 and Repeal of Rule    | ) |                      |
| 25-24.513, pertaining to        | ) |                      |
| transfers of PATS certificates, | ) | ORDER NO. 21127      |
| and clerical amendment of       | ) |                      |
| Rule 25-24.510, pertaining to   | ) |                      |
| PATS certificates.              | ) |                      |
| <hr/>                           |   | ISSUED: 4/26/89      |

NOTICE OF ADOPTION OF AMENDMENTS TO RULES  
AND REPEAL OF RULE

NOTICE is hereby given that the Commission, pursuant to Section 120.54, Florida Statutes, has adopted the repeal of Rule 25-24.513 and the amendments to Rules 25-24.510 and 25-24.512, relating to pay telephone service certificates without change.

The rule repeal and rule amendments were filed with the Secretary of State on April 25, 1989 and will be effective on May 15, 1989. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission,  
this 26th day of APRIL, 1989.

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STEVE TRIBBLE, Director  
Division of Records & Reporting

( S E A L )

WJB

by: Kay Flynn  
Chief, Bureau of Records

DOCUMENT NUMBER-DATE

04196 APR 26 1989

FPSC-RECORDS/REPORTING

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4 25-24.510 Certificate of Public Convenience and Necessity  
5 Required.

6 No person shall provide pay telephone service without first  
7 obtaining a certificate of public convenience and necessity from  
8 the Commission. Services may not be provided, nor may deposits or  
9 payment for services be collected until the effective date of a  
10 certificate, if granted. However, acquisition of equipment and  
11 facilities, advertising and other promotional activities may begin  
12 prior to the effective date of the certificate at the company's  
13 risk that it may not be granted. In any customer contacts or  
14 advertisements ~~advertises~~ prior to certification, the company  
15 must advise the customer that certification has not and may never  
16 be granted.

17 Specific Authority: 350.127(2), F. S.

18 Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

19 History: New 1/5/87.  
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CODING: Words underlined are additions; words in  
struck-through type are deletions from existing law.

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4 25-24.512 Improper Use of a Certificate.

5 ~~{1}~~ No certificate of public convenience and necessity  
6 authorizing pay telephone service shall may be sold, assigned or  
7 transferred ~~by-the-holder-to-another-without-prior-Commission~~  
8 ~~approval.--No-certificate-shall-be-used-as-collateral-for-any~~  
9 ~~purpose.~~

10 Specific Authority: 350.127(2), F. S.

11 Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

12 History: New 1/5/87.  
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4 25-24.513 Application for Approval of Sale, Assignment or  
5 Transfer of Certificate.

6 (1) A company desiring to obtain a certificate by sale,  
7 assignment or transfer from the holder thereof shall submit an  
8 application jointly with the certificate holder on Commission  
9 Form PSC/CMU 32 (1/87, amended / ), which is incorporated into  
10 this rule by reference. Form PSC/CMU 32 (1/87, amended / ),  
11 entitled "Application Form for Certificate to Provide Pay  
12 Telephone Service Within the State of Florida," was effective on  
13 January 5, 1987, amended on \_\_\_\_\_, 1989, and may be  
14 obtained from the Commission's Division of Communications.

15 (2) An original and twelve (12) copies of the application  
16 shall be filed with the Division of Records and Reporting.

17 (3) An application for a sale, assignment or transfer of a  
18 certificate will be granted if the Commission determines that such  
19 approval is in the public interest.

20 (4) A certificate may be sold, assigned or transferred only  
21 as a whole.

22 Specific Authority: 350.127(2), F. S.

23 Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

24 History: New 1/5/87. Amended / / .  
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CERTIFICATION OF  
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES  
FILED WITH THE  
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

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| <u>Rule No.</u> | <u>Specific<br/>Rulemaking<br/>Authority</u> | <u>Law Being Implemented,<br/>Interpreted or<br/>Made Specific</u> |
|-----------------|--|--|
| 25-24.510       | 350.127(2), F.S.                             | 364.33, F.S.<br>364.335, F.S.<br>364.337, F.S.<br>364.345, F.S.    |
| 25-24.512       | 350.127(2), F.S.                             | 364.33, F.S.<br>364.335, F.S.<br>364.337, F.S.<br>364.345, F.S.    |
| 25-24.513       | 350.127(2), F.S.                             | 364.33, F.S.<br>364.335, F.S.<br>364.337, F.S.<br>364.345, F.S.    |

Under the provision of paragraph 120.54(12)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
 (month) (day) (year)

\_\_\_\_\_  
 Steve Tribble

\_\_\_\_\_  
 Director, Division of Records & Reporting  
 Title

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 Number of Pages Certified

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Rule 25-24.510  
Rule 25-24.512  
Rule 25-24.513  
Docket No. 880636-TP

SUMMARY OF RULE

The amendment of Rule 25-24.512 will prohibit the transfer of pay telephone certificates. With the amendment of Rule 25-24.512, Rule 25-24.513 should be repealed because there is no longer a need for applications for transfer of certificates. The amendment of rule 25-24.510 corrects the word "advertises" to read "advertisements."

SUMMARY OF HEARINGS ON THE RULE

No rulemaking hearing was requested or held in this docket.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The Florida Public Service Commission does not want an individual who is being sold, transferred, or assigned a pay telephone service certificate being led to believe that the certificate has some inherent monetary value for which the previous holder of the certificate should be compensated. Therefore, by the rulemaking proposed in this docket, the Commission intends to end the practice of transferring or assigning such certificates. The Commission will continue to issue new certificates.