

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Application for transfer of |) | DOCKET NO. 870939-TC |
| Certificate No. 87 from NATIONAL PAY |) | |
| TELEPHONE CORPORATION to AMNEX |) | ORDER NO. 21649 |
| (FLORIDA), INC. |) | |
| |) | ISSUED: 8-1-89 |

The following Commissioners participated in the disposition of this matter:

GERALD L. GUNTER
JOHN T. HERNDON

ORDER ACCEPTING OFFER OF SETTLEMENT
AND TERMINATING HEARING

BY THE COMMISSION:

By Order No. 19925, issued September 6, 1988, we required American Network Exchange, Inc. (Amnex) to show cause in writing within twenty days why its pay telephone (PATS) Certificate No. 87 should not be revoked and a four thousand dollar (\$4,000) fine imposed for its continued violation of our service rules. By Order No. 20667, issued January 27, 1989, we granted Amnex's request for a hearing on the issues raised by Order No. 19925, pursuant to Section 120.57(1), Florida Statutes. Accordingly, a hearing was scheduled for October 4, 1989.

On May 22, 1989, Amnex sent a letter to our staff offering to surrender its PATS certificate for cancellation if the Commission would agree not to impose the \$4,000 fine under consideration in Order No. 19925. Amnex stated that due to the logistical difficulties of monitoring a few pay telephones which were widely dispersed, Amnex could not in good faith promise full compliance with all Commission rules at all times. Therefore, Amnex concluded that the public interest would best be served by Amnex's voluntary termination of its pay telephone operations.

We have considered the settlement offer submitted by Amnex and believe that under the particular facts and circumstances of this case, our acceptance of this offer is an appropriate resolution of this show cause proceeding. Accordingly, we hereby cancel pay telephone certificate No. 87 at the request of Amnex and in return, we will not impose a fine against the company.

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Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement submitted by American Network Exchange, Inc. is hereby accepted. It is further

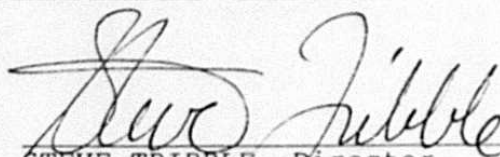
ORDERED that American Network Exchange, Inc.'s certificate of public convenience and necessity Number 87 is cancelled effective upon the issuance of this Order. It is further

ORDERED that American Network Exchange, Inc., if it has not already done so, is to return its certificate and remit any and all outstanding regulatory assessment fees due the Florida Public Service Commission. It is further

ORDERED that American Network Exchange, Inc. shall not be fined as set forth herein. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission,
this 1st day of AUGUST, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida

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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 or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.