

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to)	DOCKET NO. 910619-TC
provide pay telephone service by)	ORDER NO. 25259
INTERNATIONAL TELEPHONE SYSTEMS.)	ISSUED: 10/28/91
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTIONORDER DENYING APPLICATION FOR PATS CERTIFICATE

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

International Telephone Systems (ITS or the Company) filed an application for a certificate to provide pay telephone service (PATS) on May 22, 1991. According to the application filed by ITS, the officers of the Company are James P. Maher, President, and Bill Chiechi, Vice President. Mr. Chiechi was also listed as the Commission contact person.

Mr. Chiechi was show caused in Docket No. 910632-TC for failure to maintain a current address and phone number as well as failure to respond to staff inquiries. Mr. Chiechi failed to respond to Show Cause Order No. 24874, and Certificate No. 2645 issued to Bill Chiechi was canceled on August 29, 1991.

Because of Mr. Chiechi's past non-compliance with the rules governing PATS providers and his failure to respond to our orders, we find it inappropriate to issue ITS a certificate. Our rules and orders are the tools we use to regulate telecommunications companies and protect the public interest. It would not be in the public interest to issue a certificate to a telecommunications company that has named as one of its officers a person that has demonstrated blatant disregard for our rules and orders.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application for a certificate of public convenience and necessity filed by International Telephone Systems is hereby denied. It is further

ORDERED that any protest of this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that if no protest of this Order is filed by the end of the protest period set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 28th day of OCTOBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

By: Kay DeLeon
Chief, Bureau of Records

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 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial

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interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 11/18/91.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the effective date 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.