

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida)
Public Service Commission of Pay)
Telephone Certificates for)
violation of Rule 25-24.520)
(1)(a) and (b), F.A.C.,)
Reporting Requirements, issued)
to:)
)
KEVIN CHARLES BERTRAM) DOCKET NO. 941333-TC
(CERTIFICATE NO. 3625))
ROBERT G. HERNDON (CERTIFICATE) DOCKET NO. 941334-TC
NO. 3768))
ROBERT CASTRO (CERTIFICATE) DOCKET NO. 941335-TC
NO. 3095))
)
) ORDER NO. PSC-95-0284-FOF-TC
) ISSUED: March 1, 1995

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINES OR CANCELLING 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.

Mail sent to the following pay telephone certificate holders was returned to our Division of Records and Reporting:

<u>Company Name</u>	<u>Certificate Number</u>
Kevin Charles Bertram	3625
Robert G. Herndon	3768
Robert Castro	3095

DOCUMENT NUMBER-DATE

02342 MAR-1 1995

FPSC-RECORDS/REPORTING

Our Division of Communications attempted to reach each company by telephone but the companies' phones had either been disconnected or the companies' number was not published. Neither company nor the company liaison had a listing in directory assistance.

Rule 25-24.520(1)(a) and (b), Florida Administrative Code, requires a pay telephone company to inform this Commission within 10 days if there is a change in the company name, its address, its telephone number, or its Commission contact person. By failing to inform this Commission of changes in address and telephone number, the companies are in apparent violation of Rule 25-24.520(1)(a) and (b), Florida Administrative Code.

Accordingly, we order each company to pay a \$100 fine and provide the Commission with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, within 30 days of the date this Order becomes final. When a company complies, that docket will be closed. If either company fails to comply with this Order, its certificate will be cancelled and that docket will be closed. A protest by one of the companies in its docket will not prevent this Order from becoming final with respect to the other docket.

If either company's certificate is cancelled, the appropriate local exchange companies are directed to discontinue service to all pay telephones operated by that company.

It is, therefore,

ORDERED by the Florida Public Service Commission that the companies listed in the body of this Order pay a \$100 fine and provide the Commission with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, within 30 days of the date this Order becomes final. It is further

ORDERED that if a company complies with this Order, that company's docket will be closed. It is further

ORDERED that if a company does not comply with this Order, its certificate will be cancelled and that docket will be closed.

ORDERED that if a company's certificate is cancelled, the serving local exchange companies are directed to discontinue service to all pay telephones operated by that company. It is further

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ORDERED that a protest by one of the companies in its docket will not prevent this Order from becoming final with respect to the other docket. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this Order shall become final.

By ORDER of the Florida Public Service Commission, this 1st day of March, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

LMB

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 interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by

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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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 22, 1995.

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 substantially 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.