

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for cancellation) DOCKET NO. 941142-TC
of Pay Telephone Certificate No.) ORDER NO. PSC-95-1056-FOF-TC
1505 by LPR TELEPHONES) ISSUED: August 24, 1995
UNLIMITED, INC. and application)
for certificate to provide pay)
telephone service by LPR)
TELEPHONES UNLIMITED, INC. due)
to change in ownership.)
_____)

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 CANCELLING PAY TELEPHONE CERTIFICATE NO. 1505 AND
GRANTING A PAY TELEPHONE CERTIFICATE TO LPR
TELEPHONES UNLIMITED, INC.

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.

I. Background

On June 14, 1995, Ms. Penny Norfolk of LPR Telephones Unlimited, Inc. requested that Pay Telephone Certificate Number 1505 be cancelled so the company could be sold to another group. On the same date, Charles E. Edwards, the new CEO of LPR Telephones Unlimited, Inc. filed an application for a certificate to provide pay telephone service. Pursuant to Rule 25-24.512, Florida Administrative Code, pay telephone certificates cannot be transferred. In order to complete the transaction, Ms. Norfolk requested that Certificate No. 1505 be cancelled and Mr. Edwards applied for a new certificate for the LPR Telephones Unlimited, Inc.

DOCUMENT NUMBER-DATE
08209 AUG 24 95
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II. Approval of Grant of Certificate

Upon review, we find that the LPR Telephones Unlimited, Inc.'s application contains the information required for certification as set forth in Sections 364.3375 and 364.335, Florida Statutes, and Rule 25-24.511, Florida Administrative Code. Accordingly, we propose to grant a certificate to provide pay telephone service to the LPR Telephones Unlimited, Inc. consistent with the conditions and requirements set forth in Rules 25-24.505 through 25-24.520, Florida Administrative Code. LPR Telephones Unlimited, Inc. will operate under Certificate No. 4238 and should retain this Order as evidence of certification. No other, separate, certificate will be issued.

III. Cancellation of Certificate No. 1505

We cancel Pay Telephone Certificate Number 1505 effective when the issuance of the new certificate to the LPR Telephones Unlimited, Inc. becomes final. As required by our Rules, Ms. Norfolk has returned Certificate No. 1505. Our cancellation of this certificate in no way diminishes the LPR's obligation to pay due and owing regulatory assessment fees.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that a certificate to provide pay telephone service be issued to the LPR Telephones Unlimited, Inc. subject to the conditions stated in the body of this Order. It is further

ORDERED that LPR Telephones Unlimited, Inc. will operate under Certificate No. 4238. It is further

ORDERED that Certificate Number 1505 be cancelled effective when the issuance of a certificate to the LPR Telephones Unlimited, Inc. becomes final. It is further

ORDERED that, unless a person whose substantial interests are affected by the actions proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, the certificate issued to LPR Telephones Unlimited, Inc. shall become effective and Certificate No. 1505 shall be cancelled on the following date and this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 24th
day of August, 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 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 14, 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.

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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.