

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request For) DOCKET NO. 960673-TC
Reinstatement of Pay Telephone) ORDER NO. PSC-96-0942-FOF-TC
Certificate No. 3328 Issued to) ISSUED: July 19, 1996
Pay Phone Systems.)
_____)

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 REINSTATING PAY TELEPHONE CERTIFICATE NO. 3328

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.

On May 7, 1996, this Commission issued Order No. PSC-96-0611-FOF-TC in Docket No. 960202-TC. The Order was issued after the Commission staff made repeated attempts to reach Pay Phone Systems by telephone and found that the telephone was either disconnected, the company did not respond, or the number was unpublished. Rule 25-24.520(1)(a) and (b), Florida Administrative Code, requires a pay telephone company to file updated information with the Commission regarding any change in a company's address and telephone number.

Order No. PSC-96-0611-FOF-TC assessed a fine of \$100 and required Pay Phone Systems to 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 the order became final. The Order further stated that failure to comply would result in the cancellation of Certificate No. 3328. Since Pay Phone Systems failed to comply with the Order, Certificate No. 3328 was cancelled.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

On May 29, 1996, the instant docket was opened to process Pay Phone Systems' request that Certificate No. 3328 be reinstated. Mr. Nichola Bilkas is the owner of Pay Phone Systems. His address was changed with the Division of Records and Reporting on February 1, 1996. Mr. Bilkas began moving on February 1, 1996, completing the move four days later. Prior to moving, Mr. Bilkas informed the Postal Service, in person and in writing, that he owned Pay Phone Systems. He also placed a business card in his mailbox to let the Postman know that he and Pay Phone Systems were one and the same. Although some of his mail was delivered, the majority was returned by the Post Office. Mr. Bilkas stated he felt he encountered the problems because he was not registered at his previous address, Newport Apartments, as Pay Phone Systems. Upon moving to the new address, he received the notice of cancellation. Subsequent thereto, Mr. Bilkas requested that Certificate No. 3328 be reinstated.

According to Rule 25-24.520(1)(a), Florida Administrative Code, it is the responsibility of every regulated utility to inform the Commission of any change of address and phone number within 10 days after the change occurs. However, since cancellation of the certificate resulted because Pay Phone System's mail was returned by the Post Office and not due to any action or inaction by Pay Phone Systems, we find it appropriate to reinstate Pay Telephone No. 3328.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request of Pay Phone Systems to reinstate Certificate of Public Convenience and Necessity No. 3328 is hereby granted. It is further

ORDERED that Pay Phone Systems shall operate under Certificate No. 3328 and shall retain this Order as evidence of certification. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 19th
day of July, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. J. J.
Chief, Bureau of Records

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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 August 9, 1996.

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.