

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide pay
telephone service by Oswald
Ollivier d/b/a Tele-Link
Payphone Communications.

DOCKET NO. 970487-TC
ORDER NO. PSC-97-0901-FOF-TC
ISSUED: July 31, 1997

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER ON APPLICATION FOR CERTIFICATE TO
PROVIDE PAY TELEPHONE SERVICES

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.

By Order No. 25613, effective February 12, 1992, the Commission granted Pay Telephone Service Certificate of Public Convenience and Necessity Number 2917 to Oswald Ollivier d/b/a Tele-Link Payphone Communications (Mr. Ollivier or Tele-Link). On December 7, 1995, the Division of Records and Reporting received returned mail, sent to Tele-Link, from the Post Office. Our staff attempted to call Mr. Ollivier, but all attempts were unsuccessful. On May 7, 1996, by Order Number PSC-96-0611-FOF-TC, the Commission proceeded to cancel Mr. Ollivier's certificate for violation of Rule 25-24.520(1), Florida Administrative Code, Reporting Requirements. Pursuant to Rule 25-24.520(1), Florida Administrative Code, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's mailing address, telephone number, and liaison information.

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On April 23, 1997, the Division of Records and Reporting received an application for a certificate to provide pay telephone service pursuant to Section 364.3375, Florida Statutes, from Mr. Ollivier. Our staff informed Mr. Ollivier that since his initial certificate had been canceled for failure to comply with reporting requirements, the Commission would have to consider the re-approval. Mr. Ollivier informed our staff that he was not aware of the reporting requirements. He has since familiarized himself with the reporting requirements and his obligations to the Commission as a payphone provider and has updated all pertinent information.

Upon consideration, the Commission shall grant a payphone certificate to Mr. Ollivier if he pays the fine of \$100, as levied in Order Number PSC-96-0611-FOF-TC, within the 21-day protest period. Mr. Ollivier must continue to comply with the Commission's reporting requirements.

Based on the foregoing, it is

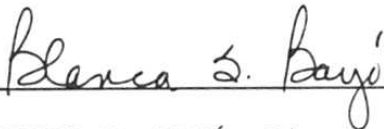
ORDERED by the Florida Public Service Commission that a Pay Telephone Service Certificate of Public Convenience and Necessity shall be granted to Oswald Ollivier d/b/a Tele-Link Payphone Communications if he pays the fine of \$100, as levied in Order Number PSC-96-0611-FOF-TC, within the 21 day protest period. 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 31st
day of July, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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

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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 21, 1997.

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.