

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for) DOCKET NO. 921226-TC
cancellation of pay telephone) ORDER NO. PSC-93-0132-FOF-TC
Certificate No. 3025 by) ISSUED: 01/25/93
WILLIAM T. MCCLELLAN and)
Application for a Certificate)
to provide pay telephone)
service by NATIONAL PAY PHONE,)
INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING AND GRANTING CERTIFICATES
TO PROVIDE PAY TELEPHONE SERVICE

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.

On December 2, 1992, William T. McClellan filed a petition to cancel pay telephone Certificate No. 3025 held by William T. McClellan and simultaneously to grant to National Pay Phone, Inc. a certificate to provide pay telephone service (PATS).

We, therefore, approve the request of William T. McClellan to cancel Certificate of Public Convenience and Necessity No. 3025. The cancellation of this certificate will be effective upon the date that National Pay Phone, Inc. obtains an effective certificate of public convenience and necessity. When National Pay Phone, Inc. obtains such a certificate, William T. McClellan is directed to return his certificate forthwith to this Commission.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Our cancellation of Certificate No. 2567 in no way diminishes William T. McClellan's obligation to pay applicable Regulatory Assessment Fees.

The application for granting a PATS certificate to National Pay Phone, Inc. was filed pursuant to Section 364.3375, Florida Statutes (1990), which provides that no person can provide pay telephone service without first obtaining from this Commission a certificate of public convenience and necessity to provide such service. Section 364.335 provides for the application for a certificate of public convenience and necessity and sets forth guidelines for the application process. The application requirements are further defined in Rule 25-24.511, Florida Administrative Code.

PATS providers are subject to the provisions of Rules 25-24.505 through 25-24.520, Florida Administrative Code, which govern the operation of PATS.

In reviewing this application, we find that it contains the information required for certification as set forth in Sections 364.3375 and 364.335, as well as the Rules cited above. Based on the foregoing, we find it appropriate to grant National Pay Phone, Inc. a certificate to provide pay telephone service consistent with the conditions and requirements set forth in Rules 25-24.505 through 25-24.520, Florida Administrative Code.

The docket will be closed following expiration of the period specified in this Order unless an appropriate petition for hearing, protesting the application for a certificate to be granted to National Pay Phone, Inc., is filed by one whose substantial interests may or will be affected by this proposed agency action, as provided by Florida Administrative Code Rules 25-22.029 and 25-22.036(7)(a).

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that, if no protests to the granting of a PATS certificate to National Pay Phone, Inc. are filed within the protest period, Certificate of Public Convenience and Necessity No. 3025 is cancelled effective upon the expiration of the protest period as set forth in this Order. It is further

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ORDERED that when National Pay Phone, Inc. obtains an effective PATS certificate, William T. McClellan, is he has not already done so, is to return his certificate and remit any and all outstanding Regulatory Assessment Fees due the Florida Public Service Commission. It is further

ORDERED that a Certificate of Public Convenience and Necessity to provide pay telephone service be granted to National Pay Phone, Inc. subject to the conditions stated in the body of this Order. It is further

ORDERED that the effective date of the certificate granted to National Pay Phone, Inc. is the first working day following the date specified below, if no protest to the proposed agency action is filed within the time frame set forth below. If there is no such protest, this docket shall be closed at the end of the proposed agency action period.

By ORDER of the Florida Public Service Commission this 25th day of January, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on February 15, 1993.

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.