

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of)
Certificates to Provide Pay)
Telephone Service:)
LEASORTE ENTERPRISES, INC.) DOCKET NO. 930878-TC
ORDER NO. PSC-93-1622-FOF-TC
ISSUED: November 4, 1993

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING CERTIFICATE NO. 2746

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 April 19 and May 20, 1993, this Commission received complaints regarding Leasorte Enterprises, Inc. (Leasorte), the holder of Pay Telephone Certificate No. 2746. The Staff of this Commission subsequently sent Leasorte notice of the complaints, via Certified U.S. Mail. The return receipt appears to have been signed by someone at Leasorte.

On July 23 and August 10, 1993, Staff attempted to contact Leasorte, again via Certified U.S. Mail. Both letters were returned by the Post Office as unclaimed. Staff thereupon attempted to reach Leasorte via telephone. Staff was unable to reach Leasorte at the telephone number reflected in the Commission's records or the telephone number obtained from directory assistance.

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Under Rule 25-24.514(1)(b), Florida Administrative Code, this Commission may cancel a certificate for the violation of a Commission rule or order. Pursuant to Rule 25-24.520(1)(a) & (b), Florida Administrative Code, pay telephone providers are required to inform this Commission of any change in their address or the name, title, and telephone number of their primary liaison person, in writing, within ten days after such change. Since we have not been able to contact Leasorte through the mail or via the telephone, it is appears that it is in violation of Rule 25-24.520(1)(a) & (b), Florida Administrative Code. In addition, under Rule 25-4.043, Florida Administrative Code, pay telephone service providers are required to respond to Commission inquiries, in writing, within fifteen days. Although it appears that Leasorte signed for our first certified letter, no response has been received. Accordingly, for the reasons stated above, we find it appropriate to cancel Certificate No. 2746.

It is, therefore,

ORDERED By the Florida Public Service Commission that Certificate No. 2746 is hereby cancelled. 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, this Order shall become final and this docket shall be closed on the following date.

By ORDER of the Florida Public Service Commission this 4th day of November, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

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 November 26, 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.