

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation  
of Pay Telephone Certificate No.  
5853 by CHAI Enterprises Inc.,  
and application for certificate  
to provide pay telephone service  
by Chai Enterprises, Inc.

DOCKET NO. 011347-TC  
ORDER NO. PSC-01-2461-PAA-TC  
ISSUED: December 18, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CANCELING PAY TELEPHONE CERTIFICATE NO. 5853 AND GRANTING  
CERTIFICATE NO. 7965 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  
substantially affected files a petition for a formal proceeding,  
pursuant to Rule 25-22.029, Florida Administrative Code.

Chai Enterprises, Inc., holder of Pay Telephone (PATS)  
Certificate of Public Convenience and Necessity No. 5853, has  
requested that Certificate No. 5853 be canceled. The new owner of  
the company has applied for a certificate to provide PATS service  
pursuant to Section 364.3375, Florida Statutes, retaining the  
company's name.

Chai Enterprises, Inc. has complied with the provision of Rule  
25-24.514(2), Florida Administrative Code, by providing adequate  
notice in writing of its request for cancellation of its PATS

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certificate and by submitting its Regulatory Assessment Fees (RAFs) for the year 2000. Accordingly, we find it appropriate to cancel PATS Certificate No. 5853.

Upon consideration of Chai Enterprises, Inc.'s application, it appears to be in the public interest to grant PATS Certificate No. 7965 to Chai Enterprises, Inc.

If this Order becomes final and effective, it shall serve as Chai Enterprises, Inc.'s certificate. It should, therefore, be retained as proof of certification. The effective date of the cancellation of Certificate No. 5853 will be the same effective date as the new Certificate No. 7965 to avoid a break in service. We are vested jurisdiction over this matter pursuant to Section 364.3375, Florida Statutes.

PATS providers are subject to Chapter 25-24, Florida Administrative Code, Part XI, Rules Governing Pay Telephone Service Provided by Other Than Local Exchange Telephone Companies. PATS providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed each December to Chai Enterprises, Inc. for payment in January. Neither the cancellation of the certificate nor the failure to receive a RAFs Return notice shall relieve Chai Enterprises, Inc. from its obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by Chai Enterprises, Inc. to cancel Pay Telephone Certificate No. 5853 is hereby approved. It is further

ORDERED that both entities shall remit Regulatory Assessment Fees for the year 2001. It is further

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ORDERED that we hereby grant Certificate No. 7965 to Chai Enterprises, Inc., which shall authorize it to provide Pay Telephone service, subject to the terms and conditions specified in the body of this Order. It is further

ORDERED that this Order shall serve as Chai Enterprises, Inc.'s certificate and should be retained by Chai Enterprises, Inc. as proof of certification. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

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

By ORDER of the Florida Public Service Commission this 18th Day of December, 2001.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( 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 that is available under Section 120.57, 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 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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 8, 2002.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.