

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
certificate to provide pay  
telephone service by Phillips &  
Brooks/Gladwin, Inc.

DOCKET NO. 021181-TC  
ORDER NO. PSC-03-0794-PAA-TC  
ISSUED: July 7, 2003

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE AND  
APPROVING AMENDMENT TO ADMINISTRATIVE PROCEDURES MANUAL

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.

We are vested with jurisdiction in this matter pursuant to  
Sections 364.33, 364.335 and 364.3375, Florida Statutes.

I. DENIAL OF APPLICATION FOR PAY TELEPHONE CERTIFICATE

On November 22, 2002, Phillips & Brooks/Gladwin, Inc.  
(Phillips) filed an application for a certificate to provide pay  
telephone service in Florida. A review of the application revealed  
that the company's filing at the Florida Department of State,  
Division of Corporations, was inactive, and Phillips was no longer  
qualified to transact business in Florida. On November 27, 2002,  
our staff spoke with the company representative concerning this

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problem. Our staff was informed that the information necessary to complete the application, including an active corporate status, would be filed with the Commission.

Our staff called the company on January 8, 2003, and left a message requesting the information. On January 28, 2003, our staff mailed the company representative a letter reiterating the need for the information.

On April 2, 2003, a certified letter was mailed to the company's Vice President of Operations, addressing the application deficiencies and requesting a response by April 23, 2003. The verification card for the letter was returned by the Post Office marked "signed and delivered." No response has been received.

Phillips has failed to submit a complete application and has failed to respond to our staff's repeated requests for additional information. Section 364.335, Florida Statutes, states that granting a certificate must be consistent with the public interest. We find it is not in the public interest to approve the application submitted by Phillips & Brooks/Gladwin, Inc.

## II. AMENDMENT TO ADMINISTRATIVE PROCEDURES MANUAL

In Docket No. 990546-TP, Order No. PSC-01-1335-PAA-TP, issued June 18, 2001, we granted our staff the authority to administratively approve intraLATA toll dialing parity plans and amended Section 2.07 of the Administrative Procedures Manual for that purpose. In Docket No. 020353-TP, Order No. PSC-02-1174-FOF-TP, issued August 28, 2002, we gave our staff administrative authority to acknowledge adoption of agreements under FCC approved merger conditions and amended Section 2.07 of the Administrative Procedures Manual.

In 2002, the Division of Competitive Markets and Enforcement received 72 applications for pay telephone service, 65 for alternative local exchange service, 6 for shared tenant service, and 3 for alternative access vendor service. Our staff estimates that 95% of the applications were complete and had few inaccuracies.

Our staff is unsure how many applications for certificates will be incomplete or inaccurate in the future; however, those applications can still be processed with the cooperation of the companies. Only in a few cases where the companies ignore our staff's certified letters, is it impossible to process the applications.

Rule 25-4.043, Florida Administrative Code, requires telecommunications companies to respond to Commission staff inquiries within 15 days. The amendment to the Administrative Procedures Manual tracks the Rule by requiring the applicant to respond to our staff's certified letter within 15 days.

In view of the foregoing, we hereby direct our staff to administratively deny future applications from companies that ignore our staff's certified letters for additional information or corrections. In order to implement this procedure, we approve the amendment to the Administrative Procedures Manual set forth in Attachment A of this Order, which is attached and incorporated by reference herein.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby deny Phillips & Brooks/Gladwin, Inc.'s application to provide Pay Telephone service. It is further

ORDERED that we hereby direct our staff to administratively deny future certificate applications from companies that ignore our staff's certified letters for additional information or corrections. It is further

ORDERED that we hereby approve the amendment to Section 2.07.C.20 of the Administrative Procedures Manual set forth in Attachment A of this Order. It is further

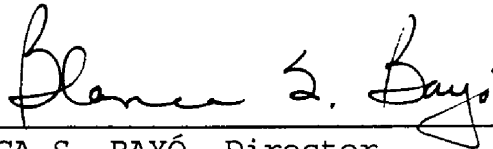
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee,

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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 7th Day of July, 2003.



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

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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

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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 July 28, 2003.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

**ATTACHMENT A**

2.07.C.20

The Division of Competitive Markets and Enforcement and the Office of the General Counsel may deny an application to provide pay telephone service, competitive local exchange telecommunications service, alternative access vendor service, or shared tenant service if staff finds the application is incomplete or inaccurate, subject to the following conditions:

- a. Staff shall send a certified letter to the applicant requesting completion and/or correction of the application.
- b. The applicant does not respond within 15 days.

The docket shall be closed upon issuance of an administrative order.