

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of Certificates)	
to Provide Pay Telephone Service:)	
)	
AVTEL, INC.)	DOCKET NO. 900707-TC
JAY D. WERNER)	DOCKET NO. 900711-TC
)	
)	ORDER NO. 23521
)	ISSUED: 9-19-90
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 FRANK S. MESSERSMITH

NOTICE OF PROPOSED AGENCY ACTION

ORDER CANCELLING CERTIFICATE
 FOR FAILURE TO COMPLY WITH AGENCY RULES

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 formal proceedings pursuant to Rule 25-22.029, Florida Administrative Code.

These dockets were initiated pursuant to requests filed by the Staff to cancel the respective companies' certificates of public convenience and necessity, authorizing the provision of pay telephone service. Each of the respective companies listed in the caption of this Order has been approved to hold a certificate issued by the Commission. However, either the certificate, the regulatory assessment fee billing, or both, have been returned as undeliverable by the Post Office.

The return of these materials indicated that each company may have violated Rule 25-24.520(1)(a), Florida Administrative Code, which requires the reporting to us of an address change within ten (10) days of its effectiveness. Accordingly, our Staff attempted to reach the contact person of each of these

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companies by telephone. These efforts were unsuccessful, furnishing evidence that each company may have also violated Rule 25-24.520(1)(b), Florida Administrative Code, which requires the reporting to us of a change in the name, title or telephone number of the individual responsible for Commission contacts.

Based on this evidence of violations of the Commission's Rules by each of these companies, our Staff has recommended that we cancel these certificates, pursuant to Rule 25-24.514(1)(b), Florida Administrative Code. We believe it to be of paramount importance that PATS companies remain diligent in furnishing the current information necessary to make contact with their representatives. Therefore, we approve our Staff's request to cancel the certificate of public convenience and necessity to provide pay telephone service of:

<u>Name</u>	<u>Certificate No.</u>
AVTEL, INC.	1662
JAY D. WERNER	1427

and the same are hereby cancelled. Each company with a certificate in its possession is hereby directed to return it forthwith to the Commission.

Our cancellation of the certificates and the closing of these dockets in no way diminishes the above companies' obligations to pay applicable delinquent regulatory assessment fees.

The dockets listed in this Order will be closed following expiration of the period specified in this Order unless an appropriate petition for hearing, protesting a specific docket, 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). A petition protesting the action proposed here with regard to a specific docket filed by one whose substantial interests are affected will not prevent our proposed action from becoming final as to any other docket listed in this Order.

It is, therefore,

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ORDERED by the Florida Public Service Commission that the certificates listed in the caption of this Order will be cancelled unless an appropriate petition is filed during the period specified below. It is further

ORDERED that a petition protesting our action ordered above with regard to a specific docket, filed by one whose substantial interests are affected, will not prevent such action from becoming final as to the other dockets listed in the Order.

By ORDER of the Florida Public Service Commission,
this 19th day of SEPTEMBER, 1990.


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

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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 October 10, 1990.

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, and as reflected in a subsequent 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.

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 sewer 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.