

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to	)	DOCKET NO. 910095-TC
provide pay telephone service by	)	ORDER NO. 24310
CONSOLIDATED TELEPHONE COMPANY.	)	ISSUED: 4/1/91
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 GERALD L. GUNTER  
 MICHAEL McK. WILSON

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING CERTIFICATE 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.

Consolidated Telephone Company (Consolidated) has applied for a certificate to provide pay telephone service. On August 15, 1990, Consolidated's certificate was canceled for failure to file an annual report for 1989 and failure to respond to staff inquiries.

On December 18, 1990, this Commission, in Docket No. 900852-TC - Application for certificate to provide pay telephone service for Payphone Services Company, Inc., we voted to deny a certificate to Payphone Services, Inc., based upon its failure to respond to staff inquiries and file a 1989 annual report. We adopted the position that annual reports are an essential requirement for retaining a PATS certificate and failure to file shows a disregard for Rules. Furthermore, disregard for Orders designed to enforce utility regulation completely undermines the regulatory structure designed to protect the public.

Rule 25-24.511, Florida Administrative Code, states:

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A certificate will be granted if the Commission determines that grant of the application is in the public interest.

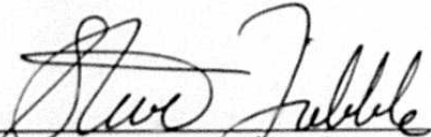
We find that granting a certificate to Consolidated is not in the public interest because the company has shown a disregard for rules regulating pay telephone service in the past, specifically, Rules 25-24.515, Florida Administrative Code, and 25-4.043, Florida Administrative Code.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Consolidated Telephone Company's application for a certificate to provide pay telephone service is hereby denied. It is further

ORDERED that this docket be closed at the end of the protest period if no protests are filed pursuant to the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 1st day of APRIL, 1991.



STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JKA

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.

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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 April 21, 1991.

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 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.