

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Certificate to Provide Pay Telephone Service by CONSOLIDATED TELEPHONE COMPANY. ) DOCKET NO. 920261-TC  
) ORDER NO. PSC-92-0294-FOF-TC  
) ISSUED: 05/05/92  
)  
)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER DENYING CERTIFICATE

BY THE COMMISSION:

On August 29, 1986, Consolidated Telephone Company (Consolidated or the Company) was issued a certificate for the purpose of operating as a pay telephone service (PATS) provider in Florida. On July 19, 1990, in Order 23224, Docket No. 900359-TC, we required Consolidated to show cause why a fine should not be imposed or, in the alternative, its PATS certificate cancelled for violation of Rule 25-24.520, F.A.C., for failure to file its 1989 Annual Report and Rule 25.4.043, F.A.C., for failure to respond to staff inquiries. In the Order Initiating the Show Cause Proceedings in that docket, we gave notice to the Company that if a PATS company fails to respond to the show cause order in the form and within the time limits prescribed, the facts alleged in the order shall be deemed as true and shall constitute an admission of guilt of the violation of Rule 25-24.520, F.A.C., and a waiver of the right to a hearing. Further, in that order, we gave notice to the Company that if no response was received from the Company, we find it appropriate that no fine be imposed and that the Company's certificate be cancelled. Consolidated failed to respond to the show cause order. Since no response to the show cause order was filed by Consolidated, the Company's certificate was cancelled.

On January 30, 1991, Consolidated submitted an application for a certificate to provide pay telephone service. Rule 25-24.511, F.A.C., provides that "[a] certificate will be granted if the Commission determines that grant of the application is in the public interest." We have held that companies that show a disregard for rules regulating the pay telephone industry are not

DOCUMENT NO. 92-0294-FOF-TC  
04406 MAY -5 1992  
PSC-RECORDS/REPORTS

ORDER NO. PSC-92-0294-FOF-TC  
DOCKET NO. 920261-TC  
PAGE 2

operating in the public interest. Hence, we denied a certificate to Consolidated in Docket No. 910095-TC based upon the Company's failure to comply with Commission rules during the time it previously held a certificate. See Order No. 24310.

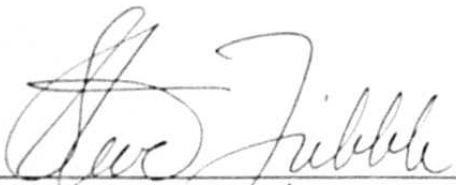
On March 18, 1992, Consolidated submitted an application for a certificate to provide pay telephone service, which is currently pending before this Commission. We find that Consolidated has failed to comply with the applicable standards regulating pay telephone providers during the time it previously held a certificate and, accordingly, we deny the application submitted by Consolidated to provide pay telephone service in Florida. If no protest is filed in accordance with the requirements set forth below, this docket shall be closed.

It is, therefore,

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

ORDERED that if no protest is filed in accordance with the requirements set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 5th day of May, 1992.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JRW

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 May 26, 1992.

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.