

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for) DOCKET NO. 930104-TC
reinstatement of Pay Telephone) ORDER NO. PSC-93-0549-FOF-TC
Certificate No. 2457 by) ISSUED: 04/12/93
HILLSBOROUGH COMMUNICATIONS)
CORPORATION.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING REQUEST FOR REINSTATEMENT
OF PATS CERTIFICATE NO. 2457

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.

On March 7, 1990, this Commission granted a certificate of public convenience and necessity (PATS Certificate No. 2457) to Hillsborough Communications Corporation (HCC) to provide pay telephone services in Florida.

HCC failed to file its 1991 regulatory assessment fee form, in violation of Rule 25-4.0161, Florida Administrative Code. By Order No. PSC-92-0842-FOF-TC, issued August 20, 1992, we, therefore, required HCC to show cause why it should not be fined \$250 or, in the alternative, have its certificate revoked. HCC failed to respond to Order PSC-92-0842-FOF-TC. Accordingly, on September 9, 1992, PATS Certificate No. 2457 was automatically cancelled.

On January 26, 1993, Mahmood Baik, President of HCC, filed a request for reinstatement of HCC's certificate. In support of his request, Mr. Baik claims that the regulatory assessment fee form and HCC's copy of Order No. PSC-92-0842-FOF-TC were somehow misplaced. According to Mr. Baik, HCC is a small company, operating only around 50 telephones. Mr. Baik is concerned that,

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if we do not reinstate its certificate, HCC could go out of business.

We note that Mr. Baik is an officer in two other corporations that are active pay telephone service providers in Florida: Pay Phone Services Company, Inc. and Tri-Star Telecommunications, Inc. We also note that we cancelled PATS Certificate No. 2065, which had been issued to Mahmood Baik, on September 24, 1992, for failure to file his regulatory assessment fee form.

If we approve HCC's request for reinstatement, it will likely result in a flood of petitions for reinstatement. It would also diminish our authority over providers of telecommunications services, since they could violate our statutes or rules, ignore our show cause orders, and petition for reinstatement of their certificates rather than pay their fines. It would also relieve the companies of the financial burden of reapplying for certificates of public convenience and necessity.

Rule 25-24.511(4), Florida Administrative Code, states, in pertinent part, that "[a] new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled unless the applicant shows that granting of the new certificate is in the public interest." We do not believe that HCC has demonstrated that reinstating its certificate is in the public interest.

It is, therefore,

ORDERED by the Florida Public Service Commission that Hillsborough Communications Corporation's request for reinstatement of PATS Certificate No. 2457 is hereby denied. It is further

ORDERED that, unless an appropriate petition is filed as set forth in the Notice of Further Proceedings, below, this docket will be closed at the end of the protest period.

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By ORDER of the Florida Public Service Commission this 12th
day of April, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

by: Kay Hagan
Chief, Bureau of Records

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 3, 1993.

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.

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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.