

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930539-TC
Certificate to Provide Pay) ORDER NO. PSC-93-1134-FOF-TC
Telephone Service by ANDRES) ISSUED: August 4, 1993
FELIPE LEZCANO.)
_____)

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 APPLICATION FOR 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.

By Order No. PSC-92-0893-FOF-TL, issued August 27, 1992, this Commission required Andres Felipe Lezcano, the holder of Certificate No. 2260, to show cause why he should not be fined for failure to pay regulatory assessment fees for the period July 1, 1991, through December 31, 1991, in violation of Rule 25-4.0161(2), Florida Administrative Code. Also by Order No. PSC-92-0893-FOF-TL, we informed Mr. Lezcano that, should he fail to respond or to pay a fine of \$250 on or before September 16, 1992, we would cancel Certificate No. 2260. We sent a copy of Order No. PSC-92-0893-FOF-TL to Mr. Lezcano via Certified U.S. Mail, and the receipt card was returned bearing his signature. Mr. Lezcano failed to respond to our order. Accordingly, on September 16, 1992, this Commission cancelled Certificate No. 2260.

On May 18, 1993, Mr. Lezcano telephoned this Commission to inquire why BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone & Telegraph Company (Bell) had interrupted service to his pay telephone. By letter dated May 19, 1993, the Staff of this Commission (Staff) informed Mr. Lezcano that we had cancelled his certificate, effective September 16, 1992, based upon his failure to pay regulatory assessment fees, and that Bell had been

DOCUMENT NUMBER-DATE

08386 AUG-38

REC-RECORDS/REPORTING

instructed to discontinue his pay telephone service. Staff also informed Mr. Lezcano that he could apply for a new pay telephone certificate; however, Staff noted that Mr. Lezcano would have to remit all delinquent regulatory assessment fees and fines, and directed his attention to Rule 25-24.511(4), Florida Administrative Code, which states, in 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."


On June 4, 1993, Mr. Lezcano submitted an application for a new pay telephone certificate. In his application, however, Mr. Lezcano failed to provide any information which would show that granting a new certificate is in the public interest. His application is, therefore, denied.

It is, therefore,

ORDERED by the Florida Public Service Commission that the application of Andres Felipe Lezcano for a certificate to provide pay telephone service is hereby denied, as set forth in the body of this Order. It is further

ORDERED that, unless a person whose substantial interests are affected by this Order files a petition in the form and by the date set forth in the Notice of Further Proceedings or Judicial Review, below, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 4th day of August, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

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 August 25, 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.

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.