

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930729-TC
certificate to provide pay) ORDER NO. PSC-93-1345-FOF-TC
telephone service by America Pay) ISSUED: September 14, 1993
Phone, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING APPLICATION FOR A
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.

On July 22, 1993, America Pay Phone, Inc. (APP) filed an application for a certificate to provide pay telephone service. In the application, Thomas L. Doutt is listed as the legal name of the applicant and as President of APP.

Mr. Doutt was the holder of Pay Telephone Certificate No. 694. By Order No. 24516, issued May 13, 1991, we required Mr. Doutt to show cause why he should not be fined or, in the alternative, why we should not revoke Certificate No. 694, for his failure to file an annual report for 1990. Although Mr. Doutt timely responded, this Commission found his response to be without merit. By Order No. 25100, issued September 24, 1991, we revoked Certificate No. 694.

Pursuant to Rule 25-24.511(4), Florida Administrative Code, the Commission will not grant a new certificate "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 the applicant here has

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demonstrated that granting a new certificate is in the public interest.

We also note that Mr. Doult is Vice President of Adtec Communications, Inc. (Adtec). Under Rule 25-24.511(4), Florida Administrative Code, only "[o]ne certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest." Again, we do not believe that the applicant here has made any such showing. In fact, the applicant misrepresented information on the present application by answering "no" to the following question: "Has applicant or any subsidiary, partner, officer, director, etc., ever been granted or denied a pay telephone certificate in the state of Florida?" (Emphasis added.) We also note that applicant responded "none" when asked to list those states in which applicant "has had regulatory penalties imposed for violations of telecommunications statutes."

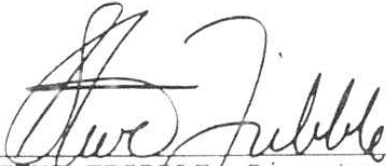
Based upon the foregoing, we find it appropriate to deny the application by America Pay Phone, Inc. for a certificate to provide pay telephone service.

It is, therefore,

ORDERED by the Florida Public Service Commission that the application by America Pay Phone, Inc. for a certificate to provide pay telephone service is hereby denied. It is further

ORDERED that, unless a person whose interests are adversely affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 14th day of September, 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 October 5, 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.