

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Pay)
Telephone Certificate.)
La Zaragozana Restaurant) DOCKET NO. 931161-TC
)
) ORDER NO. PSC-94-0360-FOF-TC
) ISSUED: March 29, 1994

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING A PAY TELEPHONE CERTIFICATE
TO LA ZARAGOZANA RESTAURANT

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 substantially affected files a petition for a formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

La Zaragozana Restaurant (La Zaragozana) was a certificated pay telephone service provider from May 8, 1990 to May 29, 1991. Its pay telephone certificate number 2504 was cancelled, effective May 29, 1991, as a result of show cause proceedings for violations of Rule 25.520, Florida Administrative Code, Reporting Requirements and Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

On December 1, 1993, La Zaragozana filed a new application for a certificate to provide pay telephone service. La Zaragozana disclosed that its previous certificate had been cancelled and paid past due regulatory assessment fees. La Zaragozana provided information to the Commission staff as requested and wrote to staff indicating a willingness to comply with Commission Rules.

Rule 25-24.511(4), Florida Administrative Code, Application for Certificate, states, "A new certificate will not be granted to

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any applicant who has previously had a certificate involuntarily cancelled unless the applicant shows that granting of the certificate is in the public interest." La Zaragozana submitted a truthful application, paid back regulatory assessment fees, and stated its intent to comply with Commission Rules.

Accordingly, we find it in the public interest to grant, to La Zaragozana Restaurant, a certificate to provide pay telephone service consistent with the conditions and requirements set forth in Rules 25-24.505 through 25-24.520, Florida Administrative Code.

It is, therefore,

ORDERED by the Florida Public Service Commission that we hereby grant La Zaragozana Restaurant a certificate to provide public pay telephone service subject to the conditions stated in the body of this Order. It is further

ORDERED that, unless a person whose substantial interests are 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 certificate shall become effective on the following date and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 29th day of March, 1994.



STEVE TRIBBLE, Acting Director
Division of Records and Reporting

(S E A L)

LMB

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 April 19, 1994.

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.