

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for cancellation) DOCKET NO. 940359-TC
of Pay Telephone Certificate No.) ORDER NO. PSC-94-0553-FOF-TC
3439 by DAVID GUTIERREZ d/b/a D) ISSUED: May 11, 1994
& Y TELECOMMUNICATIONS.)
_____)

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

ORDER CANCELLING CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

On April 4, 1994 David Gutierrez d/b/a D & Y Telecommunications requested to voluntarily cancel Certificate of Public Convenience and Necessity No. 3439, which allows for the provision of pay telephone service. Accordingly, we find it appropriate to cancel the certificate and it is hereby cancelled. David Gutierrez d/b/a D & Y Telecommunications is directed to return the certificate to the Commission, if he has not already done so.

Our cancellation of the certificate and the closing of this docket in no way diminishes David Gutierrez d/b/a D & Y Telecommunications' obligation to pay due and owing regulatory assessment fees.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that David Gutierrez d/b/a D & Y Telecommunications' Certificate of Public Convenience and Necessity No. 3439 is cancelled effective upon the issuance of this Order. It is further

ORDERED that David Gutierrez d/b/a D & Y Telecommunications shall return his certificate and remit any and all outstanding Regulatory Assessment Fees due the Florida Public Service Commission. It is further

ORDERED that this docket is hereby closed.

DOCUMENT NUMBER-DATE
04545 MAY 11 1994
FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 11th
day of May, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Lynn
Chief, Bureau of Records

(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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer 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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.