

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Pay)
Telephone Certificate.)
)
COMMUNICATION SYSTEM ONE) DOCKET NO. 940068-TC
)
) ORDER NO. PSC-94-0715-FOF-TC
) ISSUED: June 9, 1994

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER
DENYING CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE

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.

On January 19, 1994, Communication System One (the Company) applied for a Certificate of Public Convenience and Necessity to provide pay telephone service. The application stated the Company would do business as a corporation. The Company did not include proof that the articles of incorporation were filed with the Florida Secretary of State's office with the application as required.

Mr. Aquino, the company liaison, was advised, on January 18, 1994 and on February 8, 1994, that the Company must provide proof that the articles of incorporation were filed the Secretary of State in order to complete the application. On each occasion, Mr. Aquino said the information was forthcoming but it was never received. Five telephone messages were left for Mr. Aquino between February 16, 1994 and April 6, 1994. In addition, a certified letter was sent to the Company on April 12, 1994 and the certified mail receipt was signed on April 15, 1994 but the necessary documentation has not been received.

05726 JUN-94
REGISTRATION REPORTING

ORDER NO. PSC-94-0715-FOF-TC
DOCKET NO. 940068-TC
PAGE 2

Pursuant to Rule 25-24.511(4), Florida Administrative Code, a certificate will be granted if the Commission determines that grant of the application is in the public interest. Communication System One filed an incomplete application and did not supply the information needed to complete the application. The Company did not respond to numerous phone calls and letters from the Commission staff. Based on the incomplete application and the Company's failure to cooperate with our staff, we find it is not in the public interest to grant the Company a certificate. Accordingly, pursuant to Rule 25-24.511(4), Florida Administrative Code, we deny Communication System One's application.

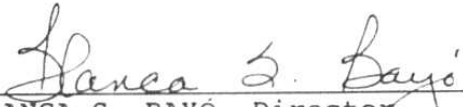
This docket will be closed following the expiration of the period specified in the Notice of Further Proceedings or Judicial Review section of this Order unless an appropriate petition, is filed by one whose substantial interests may or will be affected by this proposed agency action, as provided in Rules 25-22.029 and 25-22.036(7)(a), Florida Administrative Code.

It is, therefore,

ORDERED by the Florida Public Service Commission that we hereby deny to Communication System One, a certificate to provide pay telephone telecommunications service. It is further

ORDERED that, unless a person whose interests are substantially 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 9th day of June, 1994.



BLANCA S. BAYÓ, 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 June 30, 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.