

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida) DOCKET NO. 950239-TC
Public Service Commission of Pay) ORDER NO. PSC-95-0467-FOF-TC
Telephone Certificate No. 3462) ISSUED: April 12, 1995
issued to Custom Communications,)
Inc. for violation of Rule 25-)
4.043, F.A.C., Response to)
Commission Staff Inquiries.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING CERTIFICATE

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.

On November 5, 1993, Certificate Number 3462 was issued to Custom Communications, Inc. (CCI or the company). The Division of Consumer Affairs (CAF) received a complaint against the Company on September 20, 1994. In an attempt to resolve the complaint, CAF sent the company a letter with a response due date of October 13, 1994. When a timely response was not received, CAF attempted to contact the Company by leaving a message on CCI's recorder and sending a second letter. In a final attempt to obtain a response, CAF sent CCI a certified letter on January 5, 1995. The certified letter was returned by the post office with a stamped notice stating "unclaimed." On January 24, 1995, this complaint was forwarded to the Division of Communications for further handling.

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Communications staff sent a certified letter to CCI on February 1, 1995, with a response due date of February 20, 1995. The certified mail receipt was signed on February 3, 1995. However, the company did not respond to the letter.

Rule 25-24.514 (1) (a) and (b), Florida Administrative Code, Cancellation of a Certificate, provides that the Commission may cancel a company's certificate for violation of the terms and conditions under which the authority was originally granted or for violation of Commission rules and orders. Therefore, since Custom Communications, Inc. has failed to reply to Commission inquiries, in violation of Rule 25-4.043, Florida Administrative Code, we find that it is appropriate to cancel the Company's Certificate.

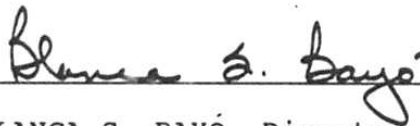
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Certificate No. 3462, issued to Custom Communications, Inc., be cancelled. It is further

ORDERED that the effective date of this cancellation will be the day subsequent to the date specified below, if no protest is filed in accordance with the requirements set forth below. It is further

ORDERED that if no protest is filed in accordance with the requirements set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 12th day of April, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MMB

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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 3, 1995.

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 substantially 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.