

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of )  
Certificates to Provide Pay )  
Telephone Service: )  
THE GUZMAN RESTAURANT ) DOCKET NO. 951302-TC  
CERTIFICATE NO. 972 )  
RENE NICHOLAS ) DOCKET NO. 951303-TC  
CERTIFICATE NO. 3324 )  
PHILLIP CLYDE LEAVELL ) DOCKET NO. 951304-TC  
CERTIFICATE NO. 3781 )  
ORDER NO. PSC-96-0074-FOF-TC  
ISSUED: January 16, 1996

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER IMPOSING FINES OR CANCELLING CERTIFICATES

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.

Mail sent to the following pay telephone certificate holders was returned to our Division of Records and Reporting:

<u>Company Name</u>	<u>Certificate Number</u>
The Guzman Restaurant	972
Rene Nichols	3324
Phillip Clyde Leavell	3781

DOCUMENT NUMBER-DATE

00436 JAN 16 88

FPSC-RECORDS/REPORTING

Our Division of Communications attempted to reach each company by telephone but the companies' phones had either been disconnected, the companies have not responded, or the companies' number was not published. Neither the companies nor the company liaisons had listings in directory assistance.

Rule 25-24.520(1)(a) and (b), Florida Administrative Code, requires a pay telephone company to inform this Commission within 10 days if there is a change in the company name, its address, its telephone number, or its Commission contact person. By failing to inform this Commission of changes in address and telephone number, the companies are in apparent violation of Rule 25-24.520(1)(a) and (b), Florida Administrative Code.

Accordingly, we order each company to pay a \$100 fine and provide the Commission with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, within 30 days of the date this Order becomes final. When a company complies, that docket will be closed. If a company fails to comply with this Order, its certificate will be cancelled and that docket will be closed. A protest by one of the companies in its docket will not prevent this Order from becoming final with respect to the other dockets.

If a company's certificate is cancelled, the appropriate local exchange companies are directed to discontinue service to all pay telephones operated by that company.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the companies listed in the body of this Order pay a \$100 fine and provide the Commission with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, within 30 days of the date this Order becomes final. It is further

ORDERED that if a company complies with this Order, that company's docket will be closed. It is further

ORDERED that if a company does not comply with this Order, its certificate will be cancelled and that docket will be closed. It is further


ORDERED that if a company's certificate is cancelled, the serving local exchange companies are directed to discontinue service to all pay telephones operated by that company. It is further

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ORDERED that a protest by one of the **companies** in its docket will not prevent this Order from becoming **final with respect** to the other dockets. 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 Order shall become final.

By ORDER of the Florida Public Service Commission, this 16th day of January, 1996.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 6, 1996.

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.