

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for cancellation) DOCKET NO. 961258-TC
of Pay Telephone Certificate No.) ORDER NO. PSC-96-1490-FOF-TC
4575 held by One Tequesta Point) ISSUED: December 5, 1996
Condominium Association, Inc.)
and application for certificate)
to provide pay telephone service)
by Swire Brickell One Inc.)
(Certificate No. 5023))
_____)

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 CANCELLING PAY TELEPHONE CERTIFICATE
AND GRANTING CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE

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.

The entity listed below has requested to voluntarily cancel its pay telephone certificate.

<u>NAME</u>	<u>CERTIFICATE NUMBER</u>
One Tequesta Point Condominium Association, Inc.	4575

This entity shall return its certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment fee of \$50 if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice will be mailed to

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this entity; however, neither the cancellation of its certificate nor the failure to receive its Regulatory Assessment Fee Return notice shall relieve this entity from its obligation to pay due and owing regulatory assessment fees.

The entity listed below has applied for a certificate to provide pay telephone service pursuant to Section 364.3375, Florida Statutes. Upon consideration of its application, it appears to be in the public interest to grant the following pay telephone certificate to the entity listed below.

<u>NAME</u>	<u>CERTIFICATE NUMBER</u>
Swire Brickell One Inc.	5023

If this Order becomes final and effective, it shall serve as this entity's certificate. It should, therefore, be retained by this entity as proof of its certification.

Non-local exchange company pay telephone service providers are subject to Chapter 25-24, Florida Administrative Code, Part XI, Rules Governing Pay Telephone Service Provided by Other Than Local Exchange Telephone Companies. They are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

It is, therefore,

ORDERED by the Florida Public Service Commission that Pay Telephone Certificate Number 4575 listed herein is cancelled. It is further

ORDERED that One Tequesta Point Condominium Association, Inc. shall return its certificate and remit all due and owing regulatory assessment fees. It is further

ORDERED by the Florida Public Service Commission to grant, to Swire Brickell One Inc., a certificate to provide pay telephone service, subject to the terms and conditions specified in the body of this Order. It is further

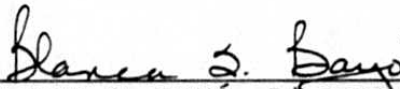
ORDERED that this Order shall serve as Swire Brickell One Inc.'s certificate and Swire Brickell One Inc. should retain this Order as proof of its certification. It is further

ORDERED that any protest to the action proposed herein shall specify the entity to which it applies. It is further

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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, this Order shall become final and effective and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 5th day of December, 1996.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

WPC

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 27, 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.