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MEMORANDUM

November 23, 1998

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KMP/mus*

RE: DOCKET NO. 980830-TC - APPLICATION FOR CERTIFICATE TO
PROVIDE PAY TELEPHONE SERVICE BY TELEPHONE COMPANY OF
SOUTH FLORIDA.

98-1552

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER DENYING
CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE, to be issued in the
above-referenced docket. (Number of pages in order - 3)

KMP/anr
Attachment
cc: Division of Communications
I: 980830.kmp

*faxed - 10/1
mailed -*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide pay
telephone service by Telephone
Company of South Florida.

DOCKET NO. 980830-TC
ORDER NO. PSC-98-1552-FOF-TC
ISSUED: November 23, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING 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.

On July 8, 1998, Telephone Company of South Florida filed an application for a certificate to provide Pay Telephone (PATS) service pursuant to Section 364.3375, Florida Statutes. Upon review, it was found that the application did not contain the information required for certification as set forth in Sections 364.3375 and 364.335, Florida Statutes, and Rule 25-24.511, Florida Administrative Code.

Staff of the Division of Communications sought to contact Telephone Company of South Florida by registered mail, regular mail and telephone. To date, Telephone Company of South Florida has failed to respond to our staff's repeated requests for information. Without the information requested, it is impossible to process the application of Telephone Company of South Florida. For the reasons described above, we find that granting a PATS certificate to Telephone Company of South Florida is not in the public interest. Therefore, we deny Telephone Company of South Florida's application to provide PATS services.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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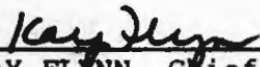
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby deny, to Telephone Company of South Florida, a certificate to provide public pay telephone service. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 23rd day of November, 1998.



KAY FLYNN, Chief
Bureau of Records

(S E A L)

KMP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, 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 14, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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.