

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3771
issued to Khair N. Disla, Khair
K. Disla, Patrick L. Sevigny
d/b/a Aerosystem Communication
for violation of Rules 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies,
and 25-24.520, F.A.C., Reporting
Requirements.

DOCKET NO. 981179-TC
ORDER NO. PSC-98-1711-FOF-TC
ISSUED: December 17, 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 IMPOSING
FINE OR CANCELING PAY TELEPHONE 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.

Khair N. Disla, Khair K. Disla, Patrick L. Sevigny d/b/a
Aerosystem Communication (Aerosystem Communication) currently hold
Certificate of Public Convenience and Necessity No. 3771, issued by
the Commission on August 23, 1994, authorizing the provision of pay
telephone service. This docket was opened to cancel Aerosystem
Communication's certificate, unless it paid its delinquent 1997
regulatory assessment fee, which were due by January 30, 1998,

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REGULATORY REPORTING

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along with statutory penalties and interest for the years 1995 and 1997, and a \$500 fine for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

Pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Aerosystem Communication's certificate, unless Aerosystem Communication pays the fine in the amount of \$500 for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, to the Florida Public Service Commission. Aerosystem Communication must comply with this requirement within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

Pursuant to Rule 25-24.520, Florida Administrative Code, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the commission. The record demonstrated that mail sent to Aerosystem Communication was returned to the Commission and calls were unsuccessful in reaching Aerosystem Communication. We find it appropriate to assess a \$500 fine for failure to comply with the Commission rules or cancel Khair N. Disla, Khair K. Disla, Patrick L. Seigny d/b/a Aerosystem Communication's certificate if the fine and information required by Rule 25-24.520, Florida Administrative Code, Reporting Requirements, are not received by the Commission within five business days after the conclusion of the 21-day protest period. The fine shall be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit I in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

When the fines are received, this docket shall be closed. Should Aerosystem Communication fail to comply with this Order within five business days from the date this Order becomes final, Khair N. Disla, Khair K. Disla, Patrick L. Seigny d/b/a Aerosystem Communication shall have its certificate canceled and the docket will be closed.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that Khair N. Disla, Khair K. Disla, Patrick L. Sevigny d/b/a Aerosystem Communication shall pay all past due regulatory assessment fees, including statutory penalties and interest and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days from the date this Order becomes final. The fine shall be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED by the Florida Public Service Commission that Khair N. Disla, Khair K. Disla, Patrick L. Sevigny d/b/a Aerosystem Communication shall pay a \$500 fine or cancel its certificate if the information required by Rule 25-24.520, F.A.C. and fine are not received by the Commission within five business days from the date this Order becomes final. The fine shall be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

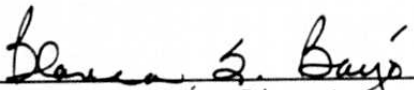
ORDERED that if Khair N. Disla, Khair K. Disla, Patrick L. Sevigny d/b/a Aerosystem Communication fail to comply with this Order, its certificate shall be canceled, and the docket shall be closed. It is further

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 25-22.036, 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 upon payment of the fine or cancellation of the certificate.

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By ORDER of the Florida Public Service Commission, this 17th
day of December, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CBW

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 January 7, 1999.

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

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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.