

MEMORANDUM

December 17, 1998

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS) *CBW/mlh*

RE: DOCKET NO. 981324-TC - In re: Request for cancellation
of Pay Telephone Certificate No. 4595 by J. Michael Kent
d/b/a Fone First, effective 10/12/98.

FSC-98-1731-FOF-TC

Attached is an **Order Cancelling Pay Telephone Certificate** to
be issued in the above-referenced docket. (Number of pages in
order - 3)

CBW/slh
Attachment
cc: Division of Communications
I:981324or.cbw

See 2 ✓

1 mail

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation
of Pay Telephone Certificate No.
4595 by J. Michael Kent d/b/a
Fone First, effective 10/12/98.

DOCKET NO. 981324-TC
ORDER NO. PSC-98-1731-FOF-TC
ISSUED: December 21, 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.

ORDER CANCELLING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

J. Michael Kent d/b/a Fone First (Fone First), holder of Pay Telephone Certificate (PATS) of Public Convenience and Necessity No. 4595, has requested the cancellation of PATS Certificate No. 4595. Fone First has complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its PATS certificate and by submitting its regulatory assessment fees for 1997. Accordingly, we find it appropriate to cancel PATS Certificate No. 4595, effective October 12, 1998.

Fone First 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 for 1998 will be mailed to Fone First. Neither the cancellation of its certificate nor the failure to receive a Regulatory Assessment Fee Return notice for the year 1998 shall relieve Fone First from its obligation to pay due and owing regulatory assessment fees.

Based on the foregoing, it is

DOCUMENT NUMBER-DATE

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FPSC-REG/OS/REPORTING

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ORDERED by the Florida Public Service Commission that J. Michael Kent d/b/a Fone First's Certificate No. 4595 to provide pay telephone service is hereby cancelled, effective October 12, 1998. It is further

ORDERED that J. Michael Kent d/b/a Fone First shall return its certificate to this Commission and remit all due and owing regulatory assessment fees for the year 1998. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 21st day of December, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: _____

Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of

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this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.