

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of Pay Telephone Certificate No. 7052 by Mark A. Swinnerton and application for certificate to provide pay telephone service by SaiComm Corp. d/b/a SaiComm.

DOCKET NO. 991091-TC
ORDER NO. PSC-99-1813-PAA-TC
ISSUED: September 20, 1999

The following Commissioners participated in the disposition of this matter:

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

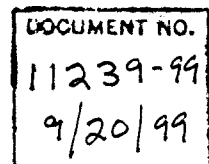
NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING PAY TELEPHONE CERTIFICATE NO. 7052
AND GRANTING CERTIFICATE NO. 7172 TO PROVIDE
PAY TELEPHONE SERVICE

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.

Mark A. Swinnerton, holder of Pay Telephone (PATS) Certificate of Public Convenience and Necessity No. 7052, has requested that Certificate No. 7052 be cancelled and applied for a certificate to provide PATS service pursuant to Section 364.3375, Florida Statutes, for his company, SaiComm Corp. d/b/a SaiComm.

Mark A. Swinnerton has complied with the provision of Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of his request for cancellation of his Pay Telephone certificate and by submitting his Regulatory Assessment Fees for 1998. Accordingly, we find it appropriate to cancel PATS Certificate No. 7052.



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Mark A. Swinnerton shall return his 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 the year 1999 will be mailed to Mark A. Swinnerton; however, neither the cancellation of its certificate nor the failure to receive its Regulatory Assessment Fee Return notice for the year 1999 shall relieve Mark A. Swinnerton from its obligation to pay due and owing regulatory assessment fees.

Upon consideration of SaiComm Corp. d/b/a SaiComm's application, it appears to be in the public interest to grant PATS Certificate No. 7172 to SaiComm Corp. d/b/a SaiComm.

If this Order becomes final and effective, it shall serve as SaiComm Corp. d/b/a SaiComm's certificate. It should, therefore, be retained as proof of certification. The effective date of the cancellation of Certificate No. 7052 will be the same effective date as the new Certificate No. 7172 to avoid a break in service.

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.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by Mark A. Swinnerton to cancel Pay Telephone Certificate No. 7052 is hereby approved. It is further

ORDERED that Mark A. Swinnerton shall return his certificate and remit all due and owing regulatory assessment fees for the year 1999. It is further

ORDERED that we hereby grant to SaiComm Corp. d/b/a SaiComm Certificate No. 7172 to provide Pay Telephone service, subject to the terms and conditions specified in the body of this Order. It is further

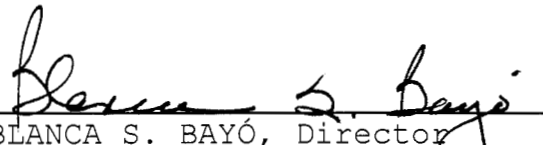
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ORDERED that this Order shall serve as SaiComm Corp. d/b/a SaiComm's certificate and this Order should be retained as proof of certification. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order 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 20th day of September, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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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 that is available under Section 120.57, 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 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 October 11, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.

M E M O R A N D U M

RECEIVED-FPSC

September 20, 1999

SEP 20 AM 10:45

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp CB*

RE: DOCKET NO. 991091-TC - REQUEST FOR CANCELLATION OF PAY TELEPHONE CERTIFICATE NO. 7052 BY MARK A. SWINNERTON AND APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY SAICOMM CORP. D/B/A SAICOMM.

1813-PAA

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER CANCELLING PAY TELEPHONE CERTIFICATE NO. 7052 AND GRANTING CERTIFICATE NO. 7172 TO PROVIDE PAY TELEPHONE SERVICE, to be issued in the above-referenced docket. (Number of pages in order - 4)

KMP/anc
Attachment
cc: Division of Communications
I: 991091.kmp

*1 certified.
9/20*