

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of Pay Telephone Certificate No. 3916 by J.M.B. Communications, Inc., and application for certificate to provide pay telephone service by Chambliss, Ltd. d/b/a Flagship Shell d/b/a Longstar Texaco.

DOCKET NO. 991686-TC
ORDER NO. PSC-99-2445-PAA-TC
ISSUED: December 15, 1999

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING PAY TELEPHONE CERTIFICATE NO. 3916
AND GRANTING CERTIFICATE NO. 7293 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.

J.M.B. Communications, Inc. (J.M.B.), holder of Pay Telephone (PATS) Certificate of Public Convenience and Necessity No. 3916, has requested that Certificate No. 3916 be canceled. Chambliss, Ltd. d/b/a Flagship Shell d/b/a Longstar Texaco (Longstar Texaco) has applied for a certificate to provide PATS service pursuant to Section 364.3375, Florida Statutes. Longstar Texaco purchased J.M.B.'s equipment and to avoid a break in service both companies have agreed to consolidate the cancellation of J.M.B.'s PATS certificate and Longstar Texaco's application for a PATS certificate into one transaction.

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J.M.B. 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 (RAFs) for 1998. Accordingly, we find it appropriate to cancel PATS Certificate No. 3916.

J.M.B. shall return its certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice for the year 1999 will be mailed to J.M.B.; however, neither the cancellation of its certificate nor the failure to receive its RAFs Return notice for the year 1999 shall relieve J.M.B. from its obligation to pay RAFs for 1999.

Upon consideration of Longstar Texaco's application, it appears to be in the public interest to grant PATS Certificate No. 7293 to Longstar Texaco.

If this Order becomes final and effective, it shall serve as Longstar Texaco's certificate. It should, therefore, be retained as proof of certification. The effective date of the cancellation of Certificate No. 3916 will be the same effective date as the new Certificate No. 7293 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 J.M.B. Communications, Inc. to cancel Pay Telephone Certificate No. 3916 is hereby approved. It is further

ORDERED that J.M.B. Communications, Inc. shall return its certificate and remit Regulatory Assessment Fees for the year 1999. It is further

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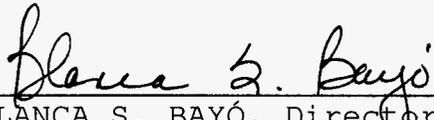
ORDERED that we hereby grant to Chambliss, Ltd. d/b/a Flagship Shell d/b/a Longstar Texaco Certificate No. 7293 to provide Pay Telephone service, subject to the terms and conditions specified in the body of this Order. It is further

ORDERED that this Order shall serve as Chambliss, Ltd. d/b/a Flagship Shell d/b/a Longstar Texaco'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 15th day of December, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 January 5, 2000.

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.