

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of Pay Telephone Certificate No. 5601 by Obaed Enterprises, Inc., and application for certificate to provide pay telephone service by Amity Enterprises, Inc. d/b/a Food Mart Express.

DOCKET NO. 001661-TC
ORDER NO. PSC-00-2456-PAA-TC
ISSUED: December 20, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELING PAY TELEPHONE CERTIFICATE NO. 5601
AND GRANTING CERTIFICATE NO. 7687 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.

Obaed Enterprises, Inc., holder of Pay Telephone (PATS) Certificate of Public Convenience and Necessity No. 5601, has requested that Certificate No. 5601 be canceled and applied for a certificate to provide PATS service pursuant to Section 364.3375, Florida Statutes, for the company, Amity Enterprises, Inc. d/b/a Food Mart Express.

Obaed Enterprises, Inc. 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

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PATS certificate and by submitting its Regulatory Assessment Fees (RAFs) for the year 1999. Accordingly, we find it appropriate to cancel PATS Certificate No. 5601. Obaed Enterprises, Inc. shall return to this Commission the Order granting authority to provide PATS services.

Upon consideration of Amity Enterprises, Inc. d/b/a Food Mart Express's application, it appears to be in the public interest to grant PATS Certificate No. 7687 to Amity Enterprises, Inc. d/b/a Food Mart Express. If this Order becomes final and effective, it shall serve as Amity Enterprises, Inc. d/b/a Food Mart Express' certificate. It should, therefore, be retained as proof of certification. The effective date of the cancellation of Certificate No. 5601 will be the same effective date as the new Certificate No. 7687 to avoid a break in service. This Commission is vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.3375, Florida Statutes.

PATS 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. PATS providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFs of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed to both Obaed Enterprises, Inc. and Amity Enterprises, Inc. d/b/a Food Mart Express. Neither the cancellation of the certificate nor the failure to receive a RAFs Return notice shall relieve Obaed Enterprises, Inc. and Amity Enterprises, Inc. d/b/a Food Mart Express from their obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by Obaed Enterprises, Inc. to cancel Pay Telephone Certificate No. 5601 is hereby approved. It is further

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ORDERED that Obaed Enterprises, Inc. shall return to this Commission the Order granting authority to provide PATS services and remit all due and owing Regulatory Assessment Fees for the year CURRENT YEAR. It is further

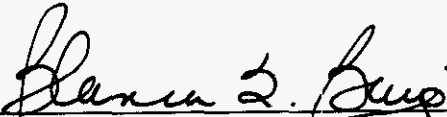
ORDERED that we hereby grant to Amity Enterprises, Inc. d/b/a Food Mart Express Certificate No. 7687 to provide Pay Telephone service, subject to the terms and conditions specified in the body of this Order. It is further

ORDERED that this Order shall serve as Amity Enterprises, Inc. d/b/a Food Mart Express' 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 December, 2000.



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 10, 2001.

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.