

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide pay
telephone service by Carey
Lannon d/b/a Wired
Communications.

DOCKET NO. 011270-TC
ORDER NO. PSC-02-0326-PAA-TC
ISSUED: March 13, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING CERTIFICATE 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.

On September 26, 2001, Carey Lannon d/b/a Wired Communications filed an application for a certificate to provide Pay Telephone (PATS) service pursuant to Section 364.3375, Florida Statutes. During our staff's review it was discovered that Mr. Lannon is not the sole owner of the fictitious name. On October 2, 2001, our staff spoke with Mr. Lannon concerning this problem and was informed that he would correct the filing at the Florida Department of State, Division of Corporations. Our staff called Mr. Lannon on November 2, 16, and 21. Each time a message was left inquiring of the status of the fictitious name. On November 21 an e-mail was also sent. No response was received. On January 3, 2002, our staff sent a certified letter to the official mailing address

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listed in the application. The letter was returned by the Post Office as "unclaimed." As of the date of the vote, the applicant had not responded to our staff's numerous inquiries regarding the fictitious name, Wired Communications.

Therefore, due to the applicant's failure to respond to repeated requests for information necessary to process the application, we find that it is not in the public interest to grant a certificate, to provide PATS services, to Carey Lannon d/b/a Wired Communications. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.3375, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby deny Carey Lannon d/b/a Wired Communications' application to provide Pay Telephone service. 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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 13th
Day of March, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

KMP

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.

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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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 3, 2002.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.