

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide pay telephone service by Noel C. Mackay.

DOCKET NO. 020255-TC

In re: Application for certificate to provide pay telephone service by Colony 14 Communications, Inc.

DOCKET NO. 020242-TC

In re: Application for certificate to provide pay telephone service by William Reilly.

DOCKET NO. 020257-TC

In re: Application for certificate to provide pay telephone service by Jim H. Fluck d/b/a BSI.

DOCKET NO. 020245-TC

In re: Application for certificate to provide pay telephone service by Cen-Tex Pay Telephone Co., Inc.

DOCKET NO. 011468-TC
ORDER NO. PSC-02-0569-PAA-TC
ISSUED: April 26, 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 GRANTING CERTIFICATES TO
PROVIDE PAY TELEPHONE SERVICE

DOCUMENT NUMBER DATE

04593 APR 26 02

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-0569-PAA-TC

DOCKETS NOS. 020255-TC, 020242-TC, 020257-TC, 020245-TC, 011468-TC

PAGE 2

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.

The entities listed below have applied for certificates to provide Pay Telephone (PATS) service pursuant to Section 364.3375, Florida Statutes. Upon review of their applications, it appears to be in the public interest to grant to each of these entities the certificates depicted below, which shall authorize them individually to provide PATS services.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>
Noel C. Mackay	8098
Colony 14 Communications, Inc.	8097
William Reilly	8099
Jim H. Fluck d/b/a BSI	8103
Cen-Tex Pay Telephone Co., Inc.	8107

If this Order becomes final and effective, it will serve as each entity's certificate. Each entity should, therefore, retain this Order as proof of certification. We are 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 Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion

ORDER NO. PSC-02-0569-PAA-TC

DOCKETS NOS. 020255-TC, 020242-TC, 020257-TC, 020245-TC, 011468-TC

PAGE 3

of the calendar year. A RAFs Return notice will be mailed each December to each of the entities listed above for payment by January 30th. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice shall relieve any of these entities from its obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant, to the entities listed herein, certificates 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 each entity's certificate and should, therefore, be retained by these entities as proof of certification. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that, if a protest is filed as to the certification of any particular entity or entities, that protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. 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, these dockets shall be closed.

ORDER NO. PSC-02-0569-PAA-TC

DOCKETS NOS. 020255-TC, 020242-TC, 020257-TC, 020245-TC, 011468-TC

PAGE 4

By ORDER of the Florida Public Service Commission this 26th Day of April, 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.

ORDER NO. PSC-02-0569-PAA-TC

DOCKETS NOS. 020255-TC, 020242-TC, 020257-TC, 020245-TC, 011468-TC

PAGE 5

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 May 17, 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.