

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of merger of PhoneTel Technologies, Inc. (holder of IXC Certificate No. 2974 and PATS Certificate No. 3644) with Davel Communications, Inc. (parent company of Telaleasing Enterprises, Inc., holder of PATS Certificate No. 2358), whereby PhoneTel will become a wholly owned subsidiary of Davel; and request for cancellation of IXC Certificate No. 2974 and PATS Certificate No. 3644.

DOCKET NO. 020402-TP
ORDER NO. PSC-02-0945-PAA-TP
ISSUED: July 15, 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 APPROVING MERGER, AND CANCELLING INTEREXCHANGE
TELECOMMUNICATIONS AND PAY TELEPHONE CERTIFICATES

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.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Section 364.33, Florida Statutes, provides that a person may not acquire ownership or control of any telecommunications facility, or any extension thereof for the purpose of providing telecommunications services to the public, including the acquisition, transfer, or assignment of majority organizational control or controlling stock ownership, without prior approval from this Commission.

By letters dated May 3, 2002 and June 3, 2002, PhoneTel Technologies, Inc. (PhoneTel), Davel Communications, Inc. (Davel), and Telaleasing Enterprises, Inc. (Telaleasing) filed with this Commission an application for approval of merger of PhoneTel with Davel, whereby PhoneTel will become a wholly owned subsidiary of Davel. PhoneTel is the holder of Interexchange Telecommunications (IXC) Certificate No. 2974 and Pay Telephone (PATS) Certificate No. 3644. Davel is the parent company of Telaleasing. Telaleasing is the holder of PATS Certificate No. 2358. The companies further requested the cancellation of PhoneTel's IXC Certificate No. 2974 and PATS Certificate No. 3644.

In accordance with our authority under Section 364.33, Florida Statutes, to approve the acquisition or transfer of majority organizational control or controlling stock ownership of a telecommunications company providing service in Florida, we have reviewed the Petition of PhoneTel, Davel, and Telaleasing, and find it appropriate to approve it. We have based our review and decision upon an analysis of the public's interest in efficient, reliable telecommunications service. We are vested with jurisdiction over this matter pursuant to Section 364.33, Florida Statutes.

PhoneTel has complied with the provision of Rule 25-24.474(2) and Rule 25-24.514(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its IXC and PATS certificate and by submitting its Regulatory Assessment Fees (RAFs) for the year 2001. Accordingly, we find it appropriate to cancel IXC Certificate No. 2974 and PATS Certificate No. 3644, effective the date of issuance of the Consummating Order. We are vested with jurisdiction over this matter pursuant to Sections 364.335, 364.337, and 364.3375, Florida Statutes.

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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. RAFs Return notices for the year 2002 will be mailed to PhoneTel for payment by January 30th. Neither the cancellation of its certificates nor the failure to receive a RAFs Return notice for the year 2002 shall relieve PhoneTel from its obligation to pay RAFs for the year 2002.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that PhoneTel Technologies, Inc. and Davel Communications, Inc.'s request for approval of merger of PhoneTel Technologies, Inc. with Davel Communications, Inc. is hereby approved. It is further

ORDERED that PhoneTel Technologies, Inc.'s Certificate No. 2974 to provide Interexchange Telecommunications services is hereby canceled, effective the date of issuance of the Consummating Order. It is further

ORDERED that PhoneTel Technologies, Inc.'s Certificate No. 3644 to provide Pay Telephone services is hereby canceled, effective the date of issuance of the Consummating Order. It is further

ORDERED that PhoneTel Technologies, Inc. shall remit Regulatory Assessment Fees for the year 2002. 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 15th
Day of July, 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.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action

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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 August 5, 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.