

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Certificate)	DOCKET NO. 900045-TC
to provide pay telephone service -)	ORDER NO. 22816
RALPH W. THORNTON.)	ISSUED: 4-13-90
)	
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER DENYING APPLICATION FOR PAY TELEPHONE CERTIFICATE

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On January 22, 1990, Ralph W. Thornton (Mr. Thornton) submitted an application for a certificate to provide pay telephone service.

The application was incomplete and staff sent two data requests to Mr. Thornton on January 25 and February 28, 1990. Mr. Thornton did not respond to either data request.

The information requested was needed to complete the company's pay telephone application. We cannot grant a certificate without complete information. Further, Mr. Thornton's failure to reply to the data requests indicates a failure to abide by Commission requirements. Therefore, we must recommend that the application be denied.

Based on the foregoing, it is hereby

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ORDERED, by the Florida Public Service Commission, that the application of Ralph W. Thornton for a certificate to provide pay telephone service is hereby denied. It is further,

ORDERED that this docket be closed after the protest period has passed, provided there are no objections to the proposed agency action.

By ORDER of the Florida Public Service Commission, this 13th day of APRIL, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JSR

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in

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the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 7, 1990.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent 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.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.