

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for certificate to provide)	DOCKET NO. 900734-TC
pay telephone service by AZTEL INDUSTRIES,)	
INC. and request for cancellation of Pay)	ORDER NO. 23666
Telephone Certificate No. 1013 by AZTEC)	
INDUSTRIES)	ISSUED: 10-24-90
)	

The following Commissioners participated in the disposition of this matter:

- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK S. MESSERSMITH

NOTICE OF PROPOSED AGENCY ACTION

ORDER CANCELLING AND GRANTING CERTIFICATES TO PROVIDE PAY TELEPHONE SERVICE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission of its intent to cancel the Certificate of Public Convenience and Necessity held by Aztec Industries and grant a similar certificate to Aztel Industries, Inc. This action 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.

Aztec Industries has been a certificated pay telephone provider since August 5, 1986. Aztec Industries submitted a new application for certificate to provide pay telephone service on August 30, 1990, under the name of Aztel Industries, Inc.

Aztec Industries indicated that they had incorporated and changed their name to Aztel Industries; incorporation involves more than a mere name change and is actually the creation of a new legal entity. The Commission no longer permits the transfer of pay telephone certificates; therefore, Aztec Industries had to submit a new application for Aztel Industries, Inc. and request cancellation of Certificate Number 1013 issued to Aztec Industries.

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Aztel Industries, Inc. has fulfilled all prescribed requirements for certification to provide pay telephone service; therefore, we believe Aztel Industries, Inc. should be certificated to provide pay telephone service with statewide authority for both toll and local services.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Certificate of Public Convenience and Necessity No. 1013 held by Aztec Industries be cancelled. It is further

ORDERED that cancellation of Certificate No. 1013 will in no way effect Aztec Industries' obligation to pay outstanding Regulatory Assessment Fees to the Commission for the period they were active. It is further

ORDERED that a Certificate of Public Necessity and Convenience to provide pay telephone service be granted to Aztel Industries, Inc. It is further

ORDERED that the Certificate, if granted, shall become effective at the end of the protest period if no objections are filed. It is further

ORDERED that if no objections are filed during the protest period, this docket shall be closed after the issuance of the Consummating Order.

By ORDER of the Florida Public Service Commission, this
24th day of OCTOBER, 1990.



STEVE TRIBBLE, 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 120.59(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 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 November 14, 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

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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.