

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 921285-TC
certificate to provide pay) ORDER NO. PSC-93-0506-FOF-TC
telephone service by RYSHAN,) ISSUED: 4/5/93
INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING REQUEST TO WITHDRAW
APPLICATION FOR 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 December 22, 1992, Ryshan, Inc. (Ryshan) filed an application for a certificate to provide pay telephone services. By Proposed Agency Action Order No. PSC-93-0116-FOF-TC, issued January 21, 1993, this Commission approved Ryshan's application.

By letter received February 10, 1993, one day prior to the expiration of the protest period for Order No. PSC-93-0116-FOF-TC, Ryshan notified this Commission that it wished to withdraw its application for a certificate. Since Ryshan notified us prior to the expiration of the protest period, we believe that it is appropriate to treat its notification as a protest. Treating the request to withdraw as a protest prevents that portion of Order No. PSC-93-0116-FOF-TL that relates to Ryshan from becoming final, and will relieve Ryshan of the obligation to pay regulatory assessment fees.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that Ryshan, Inc.'s request to withdraw its application for a certificate to provide pay telephone services is hereby approved. It is further

ORDERED that, unless an appropriate petition is filed as set forth in the Notice of Further Proceedings, below, this docket will be closed at the end of the protest period.

By ORDER of the Florida Public Service Commission, this 5th day of April, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

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 April 26, 1993.

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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.

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 wastewater 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.