

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Pay)
Telephone Certificate.)
THE LAZY FLAMINGO, INC.) DOCKET NO. 930671-TC
ORDER NO. PSC-93-1602-FOF-TC
ISSUED: November 2, 1993

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING 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.

By Order No. PSC-92-0859-FOF-TC, issued August 24, 1992, this Commission required Lazy Flamingo, Inc. (Flamingo), the holder of Pay Telephone Certificate No. 2542, to show cause why Certificate No. 2542 should not be cancelled for failure to remit its 1991 regulatory assessment fees, as required by Rule 25-4.0161(2), Florida Administrative Code. Flamingo failed to respond to the show cause order. Accordingly, on September 24, 1992, we cancelled Certificate No. 2542.

On July 7, 1993, Flamingo submitted an application to provide pay telephone service. Pursuant to Rule 25-24.511(4), Florida Administrative Code, this Commission will not grant a new certificate to any applicant who has previously had a certificate involuntarily cancelled, unless the applicant shows that granting the new certificate is in the public interest. In that regard, Flamingo stated that its two restaurants are located on streets without lighting and that pay telephones would allow stranded motorists and others to call for help. For the most part, however, the telephones would be used for guests' personal or business calls.

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Flamingo also stated that the past compliance problems were associated with its use of outside services for legal, accounting and tax purposes. Flamingo now has a new management team, which has expressed a willingness to comply with Commission requirements. We also note that Flamingo has remitted all past due regulatory assessment fees, and that this Commission's Division of Consumer Affairs has not logged any consumer complaints against Flamingo.

Based upon the foregoing, we find that it is in the public interest to grant to The Lazy Flamingo, Inc. a certificate to provide pay telephone service.

Accordingly, it is

ORDERED by the Florida Public Service Commission that the application by The Lazy Flamingo, Inc. for a certificate to provide pay telephone service is hereby approved. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial review, this Order shall become final and this docket shall be closed on the following date.

By ORDER of the Florida Public Service Commission, this 2nd day of November, 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 November 23, 1993.

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.