

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for cancellation) DOCKET NO. 930970-TC
of Pay Telephone Certificate No.) ORDER NO. PSC-93-1711-FOF-TC
3018 by SOUTHERN MAJIK) ISSUED: November 29, 1993
COMMUNICATIONS and application)
for certificate to provide pay)
telephone service by PAYPHONES)
UNLIMITED, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING CERTIFICATE NO. 3018
AND APPROVING APPLICATION BY PAYPHONES
UNLIMITED, INC. FOR A CERTIFICATE
TO PROVIDE PAY TELEPHONE SERVICE

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.

On October 4, 1993, Southern Majik Communications (SMC), the holder of Pay Telephone Certificate No. 3018, filed a request to cancel Certificate No. 3018, along with an application for a pay telephone certificate under the name Payphones Unlimited, Inc. (PUI). This dual filing was necessitated by the fact that SMC and PUI are separate legal entities; under Rule 25-24.512, Florida Administrative Code, pay telephone certificates may neither be sold, assigned, nor transferred.

Upon review, we find that PUI's application contains the information required in accordance with Sections 364.3375 and 364.335, Florida Statutes, and Rule 25-24.511, Florida Administrative Code. Accordingly, it appears to be in the public interest to approve SMC's request to cancel Certificate No. 3018,

DOCUMENT NUMBER-DATE

12733 NOV 29 93

FPSC-RECORDS/REPORTING

ORDER NO. PSC-93-1711-FOF-TC
DOCKET NO. 930970-TC
PAGE 2

as well as PUI's application for a certificate to provide pay telephone service. Pay telephone certificates are granted subject to the conditions and requirements set forth in Rules 25-24.505 through 25-24.520, Florida Administrative Code.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 3018 is hereby cancelled. It is further

ORDERED that Payphones Unlimited, Inc.'s application for a certificate to provide pay telephone service is granted, subject to the conditions stated in the body of this Order. It is further

ORDERED that, unless a person whose substantial interests are 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, Payphones Unlimited, Inc.'s certificate shall become effective on the following date and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 29th day of November, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

by: Kay Flynn
Chief, Bureau of Records

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 December 20, 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.