

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of)
Certificate to Provide Pay)
Telephone Service:)
)
RON MALMER) DOCKET NO. 931055-TC
)
) ORDER NO. PSC-93-1812-FOF-TC
) ISSUED: December 21, 1993

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING CERTIFICATE NO. 3047

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 July 7 and October 26, 1993, the United States Postal Service returned mail addressed to Ron Malmer, the holder of Pay Telephone Certificate No. 3047, to this Commission. On October 27, 1993, the Staff of this Commission attempted to reach Mr. Malmer via telephone; however, Staff was not successful. Staff then attempted to obtain a new listing for Mr. Malmer from directory assistance, but was informed that there was no such listing.

Under Rule 25-24.514(1)(b), Florida Administrative Code, this Commission may cancel a certificate for the violation of a Commission rule or order. Pursuant to Rule 25-24.520(1)(a) & (b), Florida Administrative Code, pay telephone providers are required to inform this Commission of any change in their address or the name, title, and telephone number of their primary liaison person, in writing, within ten days after such change. Since we have not been able to contact Mr. Malmer either through the mail or

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telephonically, it appears that he is in violation of Rule 25-24.520(1)(a) & (b), Florida Administrative Code. Accordingly, we find it appropriate to cancel Certificate No. 3047.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 3047, issued to Ron Malmer, is hereby cancelled, based upon Mr. Malmer's apparent violation of Rule 25-24.520(1)(a) & (b), Florida Administrative Code. 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 21st day of December, 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 January 11, 1994.

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.