

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Pay)
Telephone Certificate.)
)
PHILLIP CLYDE LEAVELL) DOCKET NO. 940431-TC
EXCEL TELE-COMMUNICATIONS, INC.) DOCKET NO. 940437-TC
d/b/a EXCEL TELE-)
COMMUNICATIONS, INC. OF GEORGIA)
CENTRAL FLORIDA COMMUNICATIONS,) DOCKET NO. 940432-TC
INC.)
EDWARD CUSATO) DOCKET NO. 940433-TC
MICHAEL EINSTEIN) DOCKET NO. 940535-TC
HARVEY A. COX) DOCKET NO. 940539-TC
BANIEGAN, INC.) DOCKET NO. 940540-TC
STEVEN FLOYD GROOMS) DOCKET NO. 940537-TC
)
) ORDER NO. PSC-94-0673-FOF-TC
) ISSUED: June 3, 1994

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING PAY TELEPHONE CERTIFICATES

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.

Each of the entities listed in the caption of this Order have filed applications for certificates to provide pay telephone service. These applications were filed pursuant to Section 364.3375, Florida Statutes, which provides that no person may provide pay telephone service without first obtaining from this Commission a certificate authorizing the provision of such service, in accordance with Section 364.335, Florida Statutes, and Rule 25-24.511, Florida Administrative Code.

DOCUMENT PREPARED BY DATE

05445 JUN-3 1994

PPSC-94-000 TELEPORTING

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Upon review, we find that these applications contain the information required for certification as set forth in Sections 364.3375 and 364.335, Florida Statutes, and Rule 25-24.511, Florida Administrative Code. Accordingly, we propose to grant, to each of the entities listed in the caption of this Order, a certificate to provide pay telephone service consistent with the conditions and requirements set forth in Rules 25-24.505 through 25-24.520, Florida Administrative Code.

The dockets listed in this Order will be closed following the expiration of the period specified in the Notice of Further Proceedings or Judicial Review section of this Order unless an appropriate petition, protesting a specific application, is filed by one whose substantial interests may or will be affected by this proposed agency action, as provided in Rules 25-22.029 and 25-22.036(7)(a), Florida Administrative Code. A petition protesting a specific application filed by one whose substantial interests are affected will not prevent our proposed action from becoming final as to any other application listed in this Order.

It is, therefore,

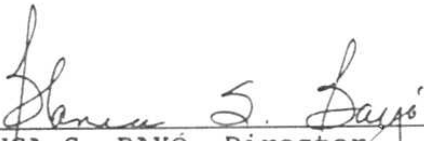
ORDERED by the Florida Public Service Commission that we hereby grant, to each of the applicants listed in the caption of this Order, a certificate to provide public pay telephone service subject to the conditions stated in the body of this Order. It is further

ORDERED that any petition protesting any particular application shall not prevent the action proposed herein from becoming final as to the other applications listed in the caption 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, below, the certificates shall become effective on the following date and these dockets shall be closed.

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By ORDER of the Florida Public Service Commission, this 3rd
day of June, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

LMB

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 June 24, 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

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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.