

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 941125-TC
Certificate to provide pay) ORDER NO. PSC-95-0244-FOF-TC
telephone service by ALFRED) ISSUED: February 22, 1995
HARRY TANK.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER ACCEPTING WITHDRAWAL OF APPLICATION

BY THE COMMISSION:

By Proposed Agency Action Order Number PSC-94-1435-FOF-TC, issued November 23, 1994, we granted a Certificate of Public Convenience and Necessity to provide pay telephone service to Alfred Harry Tank. That Order was to become final on December 14, 1994. On December 9, 1994, the Division of Records and Reporting received a letter from Mr. Tank. In that letter, Mr. Tank asked that his certificate be cancelled. Although Mr. Tank's letter does not meet the formal requirements of a protest under Rule 25-22.036, Florida Administrative Code, we will interpret the letter as a protest to Order Number PSC-94-1435-FOF-TC. A protest to a proposed agency action prevents that action from becoming final and binding on the affected party until this Commission issues a final order. We can then resolve the protest by allowing Mr. Tank to withdraw his application. By taking this action, no certificate is granted to Mr. Tank and he is not responsible for Regulatory Assessment Fees.

Order Number PSC-94-1435-FOF-TC is reaffirmed with respect to the other dockets affected by the Order.

It is, therefore,

ORDERED by the Florida Public Service Commission that Alfred Harry Tank's request to withdraw his application for a certificate to provide pay telephone service is granted. It is further

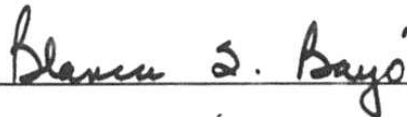
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ORDER NO. PSC-95-0244-FOF-TC
DOCKET NO. 941125-TC
PAGE 2

ORDERED that Order Number PSC-94-1435-FOF-TC is reaffirmed with respect to the other dockets affected by that Order. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 22nd day of February, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.