

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Applications for) DOCKET NO. 950576-TC
certificate to provide pay) ORDER NO. PSC-95-1004-FOF-TC
telephone service by Albert) ISSUED: August 17, 1995
Bailey d/b/a Bailey's Technical)
Services.)
_____)

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING 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 April 25, 1995, Mr. Bailey submitted the proper documentation required for certification to provide pay telephone service. The application was 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.

Due to a history of problems with Mr. Bailey experienced by the Commission, he was asked to assure the Commission that he would follow each of the statutes, rules and policies incumbent upon him as a pay telephone provider. Mr. Bailey has provided such assurances and asserts that it is in the public interest that he be granted a certificate to provide pay telephone services.

Upon review, we find that this application contains 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, taking into account Mr. Bailey's

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assurances, we grant him 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. Albert Bailey d/b/a Bailey's Technical Services is therefore granted Certificate Number 4277.

This Order, if it becomes final and effective, will serve as Mr. Bailey's certificate. This Order should be retained as evidence of certification by this Commission.

This docket 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 the 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.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant, to Albert Bailey d/b/a Bailey's Technical Services, a certificate to provide public pay telephone service subject to the conditions stated in the body of this Order. It is further

ORDERED that Albert Bailey d/b/a Bailey's Technical Services shall operate under Certificate Number 4277. 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 certificate shall become effective on the following date and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 17th day of August, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)
SCL

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 7, 1995.

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 substantially 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.