

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of Pay Telephone Certificate No. 2899 by Robert L. Weaver d/b/a Central Florida Pay Phones and application for certificate to provide pay telephone service by American Global Telcom, Inc.

DOCKET NO. 970924-TC
ORDER NO. PSC-97-1116-FOF-TC
ISSUED: September 24, 1997

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING PAY TELEPHONE CERTIFICATE
NUMBER 2899 AND GRANTING CERTIFICATE NUMBER 5464
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.

Robert L. Weaver d/b/a Central Florida Pay Phones, holder of Pay Telephone Certificate of Public Convenience and Necessity Number 2899, has requested that Certificate Number 2899 be cancelled and applied for a certificate to provide pay telephone service pursuant to Section 364.3375, Florida Statutes, for his new company, American Global Telcom, Inc.

Robert L. Weaver d/b/a Central Florida Pay Phones shall return his certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment fee of \$50 if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice will be mailed to Robert L. Weaver

DOCUMENT NUMBER-DATE

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d/b/a Central Florida Pay Phones; however, neither the cancellation of its certificate nor the failure to receive its Regulatory Assessment Fee Return notice shall relieve Robert L. Weaver d/b/a Central Florida Pay Phones from its obligation to pay due and owing regulatory assessment fees.

American Global Telcom, Inc. has applied for a certificate to provide pay telephone service pursuant to Section 364.3375, Florida Statutes. Upon consideration of the application, it appears to be in the public interest to grant Pay Telephone Certificate Number 5464 to American Global Telcom, Inc.

If this Order becomes final and effective, it shall serve as American Global Telcom, Inc.'s certificate. It should, therefore, be retained as proof of certification.

Non-local exchange company pay telephone service providers are subject to Chapter 25-24, Florida Administrative Code, Part XI, Rules Governing Pay Telephone Service Provided by Other Than Local Exchange Telephone Companies. They are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by Robert L. Weaver d/b/a Central Florida Pay Phones to cancel Pay Telephone Certificate Number 2899 is hereby approved. It is further

ORDERED that Robert L. Weaver d/b/a Central Florida Pay Phones shall return his certificate and remit all due and owing regulatory assessment fees. It is further

ORDERED that we hereby grant to American Global Telcom, Inc. Certificate Number 5464 to provide pay telephone service, subject to the terms and conditions specified in the body of this Order. It is further

ORDERED that this Order shall serve as American Global Telcom, Inc.'s certificate and this Order should be retained as proof of certification. It is further

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ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 24th day of September, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 October 15, 1997.

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.

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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.