



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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REPORTING

**DATE:** AUGUST 26, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF COMMUNICATIONS (MCCOY) *jm*  
DIVISION OF LEGAL SERVICES (PEÑA/BEDELL) *vmf CB*

**RE:** DOCKET NO. 990815-TC - APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY GEORGE J. SEMPLE D/B/A TELCOMMUNICATION.

**AGENDA:** 9/7/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\990815TC.RCM

### CASE BACKGROUND

- June 24, 1999 - George J. Semple (Mr. Semple) filed an application to provide pay telephone service (PATS) in Florida. Mr. Semple has not previously been granted a PATS certificate and originally filed his application with the Commission as George J. Semple d/b/a Bell Communications Service.
- June 30, 1999 - BellSouth Telecommunications, Inc. (BellSouth) filed a Petition for Leave to Intervene. BellSouth considered George J. Semple d/b/a Bell Communications Service as an infringement of the BellSouth trademark. BellSouth believes that the Public may confuse Bell Communications Service with a BellSouth owned company.
- July 21, 1999 - BellSouth's Legal Department contacted Mr. Semple via letter, and requested that Mr. Semple change his business name to something other than Bell Communications Service. Mr. Semple agreed to change his business name to TelCommunication if BellSouth would withdraw its Petition for

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Leave to Intervene. Mr. Semple wanted to avoid any further delays in obtaining a PATS certificate.

- August 13, 1999, BellSouth withdrew its Petition for Leave to Intervene.

After reviewing Mr. Semple's application in this docket, staff believes the following recommendations are appropriate.

#### **DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant a certificate to provide pay telephone service to George J. Semple d/b/a TelCommunication?

**RECOMMENDATION:** Yes, it is in the public interest to grant Mr. Semple a certificate. Mr. Semple should be granted Florida Public Service Commission Certificate No. 7181 to operate as a pay telephone provider within the State of Florida. (McCoy)

**STAFF ANALYSIS:** Rule 25-24.511, Florida Administrative Code, states in part:

(4) A certificate will be granted if the Commission determines that grant of the application is in the public interest. One certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily canceled unless the applicant shows that granting of the new certificate is in the public interest.

Upon review of Mr. Semple's application, staff believes that granting Mr. Semple a PATS certificate in the name of George J. Semple d/b/a TelCommunication, distinguishes Mr. Semple's company from BellSouth and will not cause confusion to Florida consumers. Therefore, staff believes that granting Mr. Semple a PATS certificate in the name TelCommunication is in the public interest.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's Proposed Agency Action files a written protest within 21 days of the issuance date of the Proposed Agency Action. (Peña)

STAFF ANALYSIS: If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon the issuance of the Consummating Order.