

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 930044-TC  
certificate to provide pay ) ORDER NO. PSC-93-0932-FOF-TC  
telephone service by SOUTHERN ) ISSUED: 6/22/93  
STAR PAY PHONES, INC. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING APPLICATION FOR 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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On January 8, 1993, Southern Star Pay Phones, Inc. (SSPP) applied for a certificate to provide pay telephone service. At that time, the Staff of this Commission noted that Kenneth Mersinger, one of the stockholders listed on the application, is also the president of Southern Star Communications, Inc. (SSC), the holder of Certificate No. 2728. In addition, SSPP's president, Karl Wagner, is an employee of SSC.

As stated in Rule 25-24.511(4), Florida Administrative Code, only "[o]ne certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest." Mr. Wagner, the applicant herein, has not demonstrated that it is in the public interest for this Commission to grant a certificate to SSPP. In that regard, we note that by Order No. PSC-92-0916-FOF-TC, issued in Docket No. 920657-TC on September 2, 1992, we required SSC to show cause why it should not be fined for a number of violations of our regulations governing the provision of pay telephone service. Although this matter has been settled (see Order No. PSC-93-0776-AS-TC, issued May 20, 1993), Docket No. 920657-TC remains open until SSC completes payment of a \$1,000 fine, and so that we may monitor its efforts to bring all of its pay telephones into compliance with our rules and regulations. Furthermore, by the terms of the settlement, SSC is

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6/22/93

ORDER NO. PSC-93-0932-FOF-TC  
DOCKET NO. 930044-TC  
PAGE 2

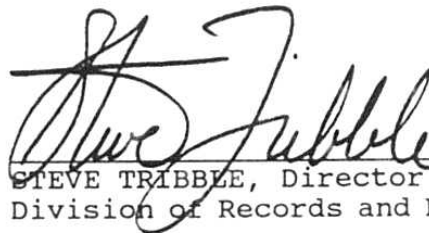
on notice that, should it fail to pay the penalty in a timely manner or should we again determine that SSC has blocked interexchange carrier access, Certificate No. 2728 shall be cancelled.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application by Southern Star Pay Phones, Inc. for a certificate to provide pay telephone service is hereby denied. It is further

ORDERED that, unless a person whose interests are substantially affected by this Order files a protest in the form and by the date set forth in the Notice of Further Proceedings or Judicial Review, below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of June, 1993.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

RJP

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.

ORDER NO. PSC-93-0932-FOF-TC  
DOCKET NO. 930044-TC  
PAGE 3

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 July 13, 1993.

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 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..