

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Cancellation ) DOCKET NO. 940049-TC  
of Pay Telephone Certificate No. ) ORDER NO. PSC-94-0206-FOF-TC  
3316 by Richard L. Allsbrook and ) ISSUED: 2/21/94  
Application for Certificate to )  
Provide Pay Telephone Service by )  
General Payphone Enterprises, )  
Inc. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KIESLING  
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CANCELLING CERTIFICATE NO.  
3316 AND GRANTING APPLICATION  
FOR PAY TELEPHONE CERTIFICATE

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.

Pursuant to Rule 25-24.512, Florida Administrative Code, pay telephone certificates may not be sold, assigned or transferred. Since corporations are distinct legal entities, when a sole proprietor pay telephone service provider incorporates, the original certificate must be cancelled and a new certificate issued in the name of the corporation.

By letter received January 13, 1994, Richard L. Allsbrook, the holder of Pay Telephone Certificate No. 3316, requested that Certificate No. 3316 be cancelled. Mr. Allsbrook also submitted an application for a certificate to provide pay telephone service under the name General Payphone Enterprises, Inc.

The application contains the information required under Sections 364.3375 and 364.335, Florida Statutes, and Rule 25-

DOCUMENT NUMBER-DATE

01682 FEB 21 94

FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0206-FOF-TC  
DOCKET NO. 940049-TC  
PAGE 2

24.511, Florida Administrative Code. Accordingly, we find it appropriate to cancel Certificate No. 3316 and grant a certificate to provide pay telephone service to General Payphone Enterprises, Inc., consistent with the conditions and requirements set forth in Chapter 25-24, Florida Administrative Code.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request by Richard L. Allsbrook for cancellation of Pay Telephone Certificate No. 3316 is granted. It is further

ORDERED that the application by General Payphone Enterprises, Inc. for a certificate to provide pay telephone service is granted, subject to the conditions stated in the body of this Order. 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 certificates shall become effective on the following date and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 21st day of February, 1994.

STEVE TRIBBLE, Acting Director  
Division of Records and Reporting

by: Kay Meyer  
Chief, Bureau of Records

( 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.

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 March 14, 1994.

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.