

MEMORANDUM

October 9, 1998

*order corrected  
2:09 10/9/98*

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (MCKINNEY *gam*)

RE: DOCKET NO. 981033-TC - Request for cancellation of Pay Telephone Certificate No. 5873 by William D. Nevills, and application for certificate to provide pay telephone service by NevCom Communications, Inc.

RECEIVED  
DIVISION OF RECORDS AND REPORTING  
OCT-9 PM 1:45

98-1352-FOF-TC

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER CANCELLING PAY TELEPHONE CERTIFICATE NO. 5873 AND GRANTING CERTIFICATE NO. 5933 TO PROVIDE PAY TELEPHONE SERVICE, to be issued in the above-referenced docket. (Number of pages in order - 4)

JCM/slh  
Attachment  
cc: Division of Communications  
I:981033.jcm

*See 1 + 2*

*Certified 10/12/98*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of Pay Telephone Certificate No. 5873 by William D. Nevills, and application for certificate to provide pay telephone service by NevCom Communications, Inc.

DOCKET NO. 981033-TC  
ORDER NO. PSC-98-1352-FOF-TC  
ISSUED: October 12, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CANCELLING PAY TELEPHONE CERTIFICATE NO. 5873 AND GRANTING  
CERTIFICATE NO. 5933 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.

William D. Nevills, holder of Pay Telephone (PATS) Certificate of Public Convenience and Necessity No. 5873, has requested that Certificate No. 5873 be cancelled and applied for a certificate to provide PATS service, pursuant to Section 364.3375, Florida Statutes, for his company, Nevcom Communications, Inc.

William D. Nevills shall return his certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment

DOCUMENT NUMBER DATE

11209 OCT 12 98

FILED AT THE OFFICE OF THE CLERK

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fee of \$50 if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice for the year 1998 will be mailed to William D. Nevills; however, neither the cancellation of his certificate nor the failure to receive his Regulatory Assessment Fee Return notice for the year 1998 shall relieve William D. Nevills from his obligation to pay due and owing regulatory assessment fees.

Upon consideration of NevCom Communications, Inc.'s application, it appears to be in the public interest to grant PATS Certificate No. 5933 to Nevcom Communications Inc.

If this Order becomes final and effective, it shall serve as Nevcom Communications 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 William D. Nevills to cancel Pay Telephone Certificate No. 5873 is hereby approved. It is further

ORDERED that William D. Nevills shall return his certificate and remit all due and owing regulatory assessment fees for the year 1998. It is further

ORDERED that we hereby grant to NevCom Communications, Inc. Certificate No. 5933 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 NevCom Communications, Inc.'s certificate and this Order should be retained as proof of certification. It is further

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 28-106.201,

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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 12th day of October, 1998.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

JCM

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.

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The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a normal proceeding, in the form provided by Rule 28-106.201, 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 November 2, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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.