

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Cancellation ) DOCKET NO. 930837-TC  
of Pay Telephone Certificate ) ORDER NO. PSC-93-1603-FOF-TC  
Number 3286 by ELAINE KESSLER ) ISSUED: November 2, 1993  
and application for certificate )  
to provide pay telephone service )  
by E. & H. TEL, INC. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CANCELLING CERTIFICATE NO.3286 AND APPROVING APPLICATION BY  
E & H TEL, INC. 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.

Pursuant to Rule 25-24.512, Florida Administrative Code, certificates of public convenience and necessity may not be sold, assigned, or otherwise transferred. Accordingly, on August 24, 1993, Elayne Kessler, the holder of Pay Telephone Certificate No. 3286, requested that we cancel Certificate No. 3286 and applied for a new pay telephone certificate under the name E & H Tel, Inc.

The application is complete, and contains all of the required information. Accordingly, it appears to be in the public interest to cancel Certificate No. 3286 and grant a new certificate of public convenience and necessity to E & H Tel, Inc.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 3286 be and is hereby cancelled. It is further

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3

ORDER NO. PSC-93-1603-FOF-TC  
DOCKET NO. 930837-TC  
PAGE 2

ORDERED that the application by E & H Tel, Inc. for a certificate of public convenience and necessity is hereby granted. It is further

ORDERED that, unless a person whose interests are substantially 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, this Order shall become final and this docket shall be closed on the following date.

By ORDER of the Florida Public Service Commission, this 2nd day of November, 1993.

  
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STEVE TRIBBIE, 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.

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 NO. PSC-93-1603-FOF-TC  
DOCKET NO. 930837-TC  
PAGE 3

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 November 23, 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.