

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate)	DOCKET NO. 900648-TC
to provide pay telephone service by)	ORDER NO. 23595
COMTEL OF ORLANDO, INC.)	ISSUED: 10-09-90
)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL MCK. WILSON
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK S. MESSERSMITH

PROPOSED AGENCY ACTION

ORDER DENYING 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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On July 6, 1990, Comtel of Orlando, Inc. (Comtel) submitted an application for a certificate to provide pay telephone service. In response to Question 6 of the application, Comtel indicated the officers of the company are Bassam N. Haje, President; and Richard Babayan, Chief Executive Officer. Additionally, Question 7 of the application asks whether the applicant or any business affiliate of the applicant has ever been granted or denied a pay telephone certificate in the State of Florida. Comtel's answer to Question 7 indicated that Bassam N. Haje had been granted a Certificate, No. 1428.

According to the State of Florida Corporate Document File, Bassam N. Haje and Richard Babayan are the Director and Registered Agent, respectively, for Commonwealth Telephone Corporation of Virginia (Commonwealth). Commonwealth was granted a PATS certificate on February 2, 1987. In addition, in a letter responding to a Staff inquiry concerning a complaint filed against Commonwealth, Mr. Babayan indicated that he was President of Comtel. However, Commonwealth Telephone Corporation of Virginia, in its original pay telephone application filed December 1, 1986, indicated that Bassam N. Haje was the President of the corporation.

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We curiously note that on June 5, 1990, we ordered Commonwealth Telephone Corporation of Virginia to show cause why its certificate should not be cancelled for failure to comply with Rule 25-24.505, Florida Administrative Code (requiring certificated telecommunications to respond to Florida Public Service Commission inquiries within fifteen (15) days.

Independent of his activities associated with Commonwealth, Bassam N. Haje was granted a certificate to provide pay telephone service in his own name on February, 1987. On April 27, 1990, a show cause docket was opened against Mr. Haje for violation of Rule 25-24.520(2), Florida Administrative Code. We ordered Mr. Haje to show cause why he should not be fined for violation of Rule 25-24.520 (2), Florida Administrative Code. Also, Staff has received return mail for Mr. Haje indicating that Mr. Haje had failed to maintain an accurate and current address on file, which is a violation of Rule 25-24.520(1), Florida Administrative Code.

The principle officers for Comtel of Orlando are Bassam N. Haje and Richard Babayan. Staff believes that a certificate to provide pay telephone service should not be granted to Comtel of Orlando. Rule 25-24.511(4), Florida Administrative Code, states:

A certificate will be granted if the Commission determines that grant of the application is in the public interest.

We believe that it would not be in the public's interest for this company to operate as a pay telephone provider given Mr. Haje and Mr. Babayan's record of Commission Rule violations. The list of apparent violations for Commonwealth and/or Bassam N. Haje can be summarized as follows:

25-24.505 - Response Requirement: Commonwealth failed to respond to Commission Staff inquiries within fifteen (15) days.

25-24.520(1) - Reporting Requirement: Commonwealth failed to inform Division of Communications of its name change to Comtel.

25-24.520(2) - Reporting Requirement: Bassam N. Haje failed to file a 1989 Annual Report.

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25-24.520(1) - Reporting Requirement: Bassam N. Haje failed to provide a current address with Division of Communications.

25-24.520(1) - Reporting Requirement: Bassam N. Haje failed to respond to Commission Staff inquiries within fifteen (15) days.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application for a Certificate of Public Necessity and Convenience by Comtel of Orlando, Inc. is hereby denied. It is further

ORDERED that if no objections are filed during the protest period, that this docket be closed.

By ORDER of the Florida Public Service Commission, this
9th day of OCTOBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

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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 October 30, 1990.

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, and as reflected in a subsequent order.

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 sewer 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.