

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of)
Certificates to Provide Pay)
Telephone Service:)
)
A-1 Flea Market, Inc.) DOCKET NO. 960958-TC
Certificate No. 3754)
You Make the Call, Inc.) DOCKET NO. 960959-TC
Certificate No. 4263)
AVS, INC) DOCKET NO. 960960-TC
Certificate No. 3399)
)
) ORDER NO. PSC-96-1288-FOF-TC
) ISSUED: October 17, 1996

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING CERTIFICATES
FOR FAILURE TO COMPLY WITH AGENCY RULES

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 formal proceedings pursuant to Rule 25-22.029, Florida Administrative Code.

These dockets were initiated pursuant to requests filed by the Staff to cancel the respective companies' certificates of public convenience and necessity, authorizing the provision of pay telephone service (PATS). Each of the respective companies listed in the caption of this Order has been approved to hold a certificate issued by the Commission. However, either the certificate, the regulatory assessment fee billing, or both, have been returned as undeliverable by the Post Office.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

The return of these materials indicated that each company may have violated Rule 25-24.520(1)(a), Florida Administrative Code, which requires the reporting to us of an address change within ten (10) days of its effectiveness. Accordingly, our Staff attempted to reach the contact person of each of these companies by telephone. These efforts were unsuccessful, furnishing evidence that each company may have also violated Rule 25-24.520(1)(b), Florida Administrative Code, which requires the reporting to us of a change in the name, title or telephone number of the individual responsible for Commission contacts.

Based on this evidence of violations of the Commission's Rules by each of these companies, our Staff has recommended that we cancel these certificates, pursuant to Rule 25-24.514(1)(b), Florida Administrative Code, if the companies fail to pay a \$250 fine and provide Commission Staff with the information required by the rule within 30 days after the order becomes final. The fines are to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund, pursuant to Section 364.285(1), F.S.

We believe it to be of paramount importance that PATS companies remain diligent in furnishing the current information necessary to make contact with their representatives. Therefore, we approve our Staff's request to cancel the certificates of public convenience and necessity to provide pay telephone service of:

<u>Docket No.</u>	<u>Name</u>	<u>Certificate No.</u>
960958-TC	A-1 Flea Market, Inc.	3754
960959-TC	You Make the Call, Inc.	4263
960960-TC	AVS, INC	3399

and the same are hereby cancelled. Each company with a certificate in its possession is hereby directed to return it forthwith to the Commission.

Our cancellation of the certificates and the closing of these dockets in no way diminishes the above companies' obligations to pay applicable delinquent regulatory assessment fees.

The dockets listed in this Order will be closed following expiration of the period specified in this Order unless an appropriate petition for hearing, protesting a specific docket, is filed by one whose substantial interests may or will be affected by this proposed agency action, as provided by Florida Administrative Code Rules 25-22.029 and 25-22.036(7)(a). A petition protesting the action proposed here with regard to a specific docket filed by one whose substantial interests are affected will not prevent our proposed action from becoming final as to any other docket listed in this Order.

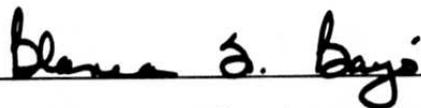
It is, therefore,

ORDERED by the Florida Public Service Commission that the certificates listed in the caption of this Order will be cancelled unless an appropriate petition is filed during the period specified below. It is further

ORDERED that a petition protesting our action ordered above with regard to a specific docket, filed by one whose substantial interests are affected, will not prevent such action from becoming final as to the other dockets listed in the Order. It is further

ORDERED that these dockets shall be closed if no protest is filed in accordance with the requirement set forth below.

By ORDER of the Florida Public Service Commission, this 17th day of October, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

WPC

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 7, 1996.

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 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.