

M E M O R A N D U M

MARCH 9, 1998

RECEIVED

FEB 27 1998

200
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *W mCB*

RE: DOCKET NO. 980109-TC - REQUEST FOR CANCELLATION OF PAY TELEPHONE CERTIFICATE NO. 4112 BY KEVIN CHAMBERS AND APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY PAYTEL USA, INC.

98-034A-FOF-TC

Attached is a REQUEST FOR CANCELLATION OF PAY TELEPHONE CERTIFICATE NO. 4112 BY KEVIN CHAMBERS AND APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY PAYTEL USA, INC. to be issued in the above referenced docket. (Number of pages in order - 4)

KMP/js
Attachment
cc: Division of Communications
I:980109.kmp

1 cert.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of Pay Telephone Certificate No. 4112 by Kevin Chambers and application for certificate to provide pay telephone service by Paytel USA, Inc.

DOCKET NO. 980109-TC
ORDER NO. PSC-98-0342-FOF-TC
ISSUED: February 27, 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 CANCELING PAY TELEPHONE CERTIFICATE
No. 4112 AND GRANTING CERTIFICATE No. 5592
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.

Kevin Chambers, holder of Pay Telephone Certificate of Public Convenience and Necessity No. 4112, has requested that Certificate No. 4112 be cancelled and applied for a certificate to provide pay telephone service pursuant to Section 364.3375, Florida Statutes, for his company, Paytel USA, Inc.

Kevin Chambers shall return his certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment fee of \$50 if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice will be mailed to Kevin Chambers; however, neither the cancellation of his certificate nor the failure to receive his Regulatory Assessment

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Fee Return notice shall relieve Kevin Chambers from his obligation to pay due and owing regulatory assessment fees.

Paytel USA, Inc. has applied for a certificate to provide pay telephone service pursuant to Section 364.3375, Florida Statutes. Upon consideration of the application, it appears to be in the public interest to grant Pay Telephone Certificate No. 5592 to Paytel USA, Inc.

If this Order becomes final and effective, it shall serve as Paytel USA, 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 Kevin Chambers to cancel Pay Telephone Certificate No. 4112 is hereby approved. It is further

ORDERED that Kevin Chambers shall return his certificate and remit all due and owing regulatory assessment fees. It is further

ORDERED that we hereby grant to Paytel USA, Inc. Certificate No. 5592 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 Paytel USA, 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 25-22.036, 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

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ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 27th day of February, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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.

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

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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 March 20, 1998.

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.