

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide pay
telephone service by Johannis
Torres.

DOCKET NO. 981835-TC
ORDER NO. PSC-99-0777-FOF-TC
ISSUED: April 21, 1999

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING 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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On December 10, 1998, Johannis Torres (Mr. Torres) applied for a certificate to provide Pay Telephone (PATS) service pursuant to Section 364.3375, Florida Statutes. After researching Mr. Torres' account and status with the Commission, it was determined that Mr. Torres had previously been granted a PATS certificate on September 15, 1995, which was canceled by Order No. PSC-96-1402-FOF-TC, issued on November 20, 1996, for failure to pay regulatory assessment fees (RAFTs). Our staff sought to contact Mr. Torres to inform him that in order for us to grant him another certificate, he would have to comply with Order No. PSC-96-1402-FOF-TC by paying all the past due RAFTs and the \$250 fine. Mr. Torres stated that he

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was unaware that he had been granted a PATS certificate because he had moved and never received the Order granting him a certificate.

Mr. Torres has paid all the past due RAFs of the canceled PATS certificate and remitted the ordered fine amount. Further, Mr. Torres has asserted that he understands that he will be obligated to pay RAFs on a PATS certificate in a timely manner and submit address changes to the Commission should he move in the future. Upon review of the application and consideration that Mr. Torres fulfilled his obligations under Order No. PSC-96-1402-FOF-TC, it appears to be in the public interest to grant to Mr. Torres Certificate No. 6074.

If this Order becomes final and effective, it shall serve as Mr. Torres' certificate. It should, therefore, be retained by Mr. Torres 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 we hereby grant Johanns Torres Certificate No. 6074 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 Johanns Torres' certificate and Johanns Torres should retain this Order as proof of certification. It is further

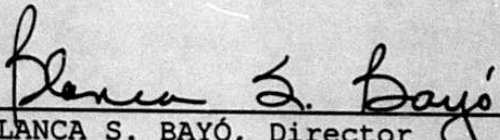
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth

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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 21st day of April, 1999.



BLANCA S. BAYÓ, 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 120.569(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. Any person whose substantial interests are affected by the action

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proposed by this order may file a petition for a formal 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 May 12, 1999.

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.