



Public Service Commission

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RECORDS AND REPORTING

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DATE: AUGUST 19, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (MCCOY) *Qm*
DIVISION OF LEGAL SERVICES (K. PEÑA) *Ymp CB*

RE: DOCKET NO. 990505-TC - APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY JAVIER PELLETIER.

AGENDA: 8/31/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990505TC.RCM

CASE BACKGROUND

On April 21, 1999, Javier Pelletier (Mr. Pelletier) filed an application to provide pay telephone service (PATS) in Florida. Mr. Pelletier has not previously been granted a PATS certificate. However, Mr. Pelletier, President of Florida Billsouth Telephone Company, currently has a pending hearing scheduled for November 29, 1999, on an application for a PATS certificate under the corporate name of Florida Billsouth Telephone Company in Docket No. 980918-TC.

After reviewing Mr. Pelletier's application in this docket, staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

09902 AUG 19 99

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant a certificate to provide pay telephone service to Mr. Pelletier?

RECOMMENDATION: Yes, it is in the public interest to grant Mr. Pelletier a certificate. Mr. Pelletier should be granted Florida Public Service Commission Certificate No. 7071 to operate as a pay telephone provider within the State of Florida. (McCoy)

STAFF ANALYSIS: Rule 25-24.511, Florida Administrative Code, Application for Certificate, states in part:

(4) A certificate will be granted if the Commission determines that grant of the application is in the public interest. One certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily canceled unless the applicant shows that granting of the new certificate is in the public interest.

Although Rule 25-24.511, Florida Administrative Code, provides that only one certificate may be granted per applicant, staff notes that the subject application is on behalf of Mr. Pelletier as an individual whereas the other application, related to Mr. Pelletier, is for a corporation. Staff does not believe that granting this certificate will violate the single certificate provision of Rule 25-24.511, Florida Administrative Code. Therefore granting Mr. Pelletier a PATS certificate in his own name is in the public interest.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's Proposed Agency Action files a written protest within 21 days of the issuance date of the Proposed Agency Action. (Peña)

STAFF ANALYSIS: If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon the issuance of the Consummating Order.