



Public Service Commission

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REPORTING
AUG 26 AM 10:40

DATE: AUGUST 26, 1999

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

FROM: DIVISION OF COMMUNICATIONS (MCCOY) *Jan*
DIVISION OF LEGAL SERVICES (PEÑA) *and CB*

RE: DOCKET NO. 990822-TC - APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY EXPRESS PAYPHONE INC.

AGENDA: 9/7/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980822TC.RCM

CASE BACKGROUND

On June 25, 1999, Antonio Davis (Mr. Davis), filed an application as a corporation in the name Express PayPhone Inc. to provide pay telephone services (PATS) in Florida. Mr. Davis has not previously held a PATS Certificate.

Several PATS application questions were left unanswered. Staff sought to contact Mr. Davis several times via the telephone, but all attempts were unsuccessful. Staff subsequently mailed two letters requesting further information. The second letter was sent Certified mail and was returned "unclaimed" by the United States Post Office. (Attachment A) Mr. Davis has not responded to staff's repeated requests for further information to complete his application.

In light of these facts, staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

10191 AUG 26 99

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission deny Express PayPhone Inc.'s application for a certificate to provide pay telephone service in Florida?

RECOMMENDATION: Yes. Express PayPhone Inc. has failed to submit a complete application. (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. [emphasis added]

Due to Express PayPhone Inc.'s failure to respond to staff's repeated requests for additional information that will complete the application, staff believes that approving Express PayPhone Inc.'s application is not in the public interest.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final upon issuance of a Consummating Order and this docket may be closed. **(Peña)**

STAFF ANALYSIS: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final upon issuance of a Consummating Order and this docket may be closed.