

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Reinstatement of) DOCKET NO. 920388-TC
Pay Telephone Certificate) ORDER NO. PSC-92-0427-FOF-TC
No. 2893 to HENRY NOBEL.) ISSUED: 05/28/92
)
)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
TERRY DEASON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER REINSTATING PAY TELEPHONE CERTIFICATE NO. 2893

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On December 24, 1991, Henry Nobel was issued pay telephone Certificate No. 2893. (Order No. 25418, Docket No. 911093). On January 22, 1992, Henry Nobel filed an application for a pay telephone certificate under the name Entel Phone Systems, Inc. (Entel). In the application, Mr. Nobel indicated that Entel was not incorporated until November 19, 1991; therefore, an application was previously filed by Mr. Nobel under his individual name to alleviate the regulatory lag. Hence, on February 24, 1992, we issued Order No. 25782, in Docket No. 920075, cancelling Mr. Nobel's certificate and granting a certificate to Entel. Entel's certificate was issued on March 3, 1992.

In April, a representative of Mr. Nobel and Entel notified this Commission that Mr. Nobel intended to maintain his individual certificate and a separate certificate in the corporate name. The representative indicated that Mr. Nobel is the Secretary and Treasurer of Entel.

Generally, when an applicant submits an application under a corporate name after a certificate has been issued in the individual's name, it has been the practice of this Commission to

DOCUMENT NUMBER-DATE

05495 MAY 28 1992

PSC-RECORDS/REPORTING

ORDER NO. PSC-92-0427-FOF-TC
DOCKET NO. 920388-TC
PAGE 2

cancel the individual certificate and grant a new certificate within the same docket. Despite the confusion, we now understand that the individual and company intend that both certificates remain active.

We find it appropriate to reinstate Certificate No. 2893 issued to Henry Nobel. However, we emphasize that a pay telephone can be operated only under one certificate and can not operate simultaneously under both the individual and corporate certificates.

Therefore, based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that pay telephone Certificate No. 2893 issued to Henry Nobel is reinstated subject to the conditions stated in Order No. 25418, Docket No. 911093. It is further

ORDERED that this docket shall be closed if no protest is filed in accordance with the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 28th day of May, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JRW

by: Kay Flynn
Chief, Bureau of Records

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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 18, 1992.

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 adversely 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.