

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Cancellation by Florida Public)	DOCKET NO. 920940-TC
Service Commission of Pay)	ORDER NO. PSC-92-1238-FOF-TC
Telephone Certificate No. 2589)	ISSUED: 10/30/92
issued to U.S. ALTERNATIVE)	
COMMUNICATIONS.)	
_____)	

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING CERTIFICATE
FOR FAILURE TO COMPLY WITH AGENCY RULES

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 formal proceedings pursuant to Rule 25-22.029, Florida Administrative Code.

This docket was initiated pursuant to a request filed by the Staff to cancel the company certificate of public convenience and necessity, authorizing the provision of pay telephone service. The company listed in the caption of this Order has been approved to hold a certificate issued by the Commission.

On October 3, 1991, U.S. Alternative Communications (USAC) was required to show cause in Docket No. 910946-TC for violation of Rule 25-24.520(1), Florida Administrative Code (Reporting Requirement) and Rule 25-4.043, Florida Administrative Code (Response Requirement). On April 16, 1992, those proceedings were dismissed and USAC retained its certification. In the response provided by USAC, the owner indicated he had been hospitalized in Minnesota in June, 1991 and did not return to Florida until November, 1991.

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On September 16, 1992, the Division of Records and Reporting received return mail for USAC. The mail was delivered to the address that USAC filed in the show cause docket.

On October 2, 1992, staff inquired with GTE directory assistance to obtain a new listing for USAC. No listing was found in Treasure Island or the surrounding areas.

The above-stated facts indicate the company may have violated Rule 25-24.520(1)(a), Florida Administrative Code, which requires the reporting to us of an address change within ten (10) days of its effectiveness. Additionally, this company may have also violated Rule 25-24.520(1)(b), Florida Administrative Code, which requires the reporting to us of a change in the name, title or telephone number of the individual responsible for Commission contacts.

Based on this evidence of violations of the Commission's Rules by this company, our Staff has recommended that we cancel this certificate, pursuant to Rule 25-24.514(1)(b), Florida Administrative Code. We believe it to be of paramount importance that PATS companies remain diligent in furnishing current information necessary to make contact with their representatives. Therefore, we approve Staff's request to cancel the certificate of public convenience and necessity to provide pay telephone service of:

<u>Name</u>	<u>Certificate No.</u>
U.S. Alternative Communications	2589

and the same is hereby cancelled. This company is hereby directed to return its certificate forthwith to the Commission.

Our cancellation of this certificate and the closing of this docket in no way diminishes USAC's obligation to pay applicable delinquent regulatory assessment fees.

The docket listed in this Order will be closed following expiration of the period specified in this Order unless an appropriate petition for hearing is filed by one whose substantial interests may or will be affected by this proposed agency action, as provided by Florida Administrative Code Rules 25-22.029 and 25-22.036(7)(a).

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It is, therefore,

ORDERED by the Florida Public Service Commission that the certificate listed in the body of this Order will be cancelled unless an appropriate petition is filed during the period specified below. It is further

ORDERED that if a protest is filed in accordance with the requirement set forth below, the tariff shall remain in effect with any increase in revenues held subject to refund pending resolution of the protest. It is further

ORDERED that if this certificate is cancelled, U.S. Alternative Communications is still obligated to pay any applicable delinquent regulatory assessment fees.

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

By ORDER of the Florida Public Service Commission, this 30th day of October, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

PLT

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

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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 November 20, 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.