

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida) DOCKET NO. 950238-TC
Public Service Commission of Pay) ORDER NO. PSC-95-0526-FOF-TC
Telephone Certificate No. 3433) ISSUED: April 27, 1995
issued to Cyber-Tel, Inc. for)
violation of Rule 25-24.520(1))
(a) and (b), F.A.C., Reporting)
Requirements.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE OR CANCELLING CERTIFICATE

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.

Mail sent to Cyber-Tel, Inc. (Cyber-Tel) was returned to our Division of Records and Reporting by the United States Postal Service. Our staff attempted to contact Cyber-Tel by telephone at the number listed in our records. Our staff also attempted to find a new telephone number for both the company and the company's Commission liaison but neither the company nor its liaison had a listing in directory assistance.

Rule 25-24.520(1)(a) and (b), Florida Administrative Code, requires a pay telephone company to inform this Commission within 10 days if there is a change in the company name, its address, its telephone number, or its Commission contact person. By failing to inform this Commission of changes in address and telephone number, Cyber-Tel is in apparent violation of Rule 25-24.520(1)(a) and (b), Florida Administrative Code.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Accordingly, we order Cyber-Tel to pay a \$100 fine and provide the Commission with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, within 30 days of the date this Order becomes final. If Cyber-Tel complies, this docket will be closed. If Cyber-Tel fails to comply with this Order, its certificate will be cancelled and this docket will be closed.

If Cyber-Tel's certificate is cancelled, the appropriate local exchange companies are directed to discontinue service to all pay telephones operated by that company.

It is, therefore

ORDERED by the Florida Public Service Commission that Cyber-Tel, Inc. pay a \$100 fine and provide the Commission with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, within 30 days of the date this Order becomes final. It is further

ORDERED that if Cyber-Tel, Inc. complies with this Order, that company's docket will be closed. It is further

ORDERED that if Cyber-Tel, Inc. does not comply with this Order, its certificate will be cancelled and this docket will be closed.

ORDERED that if Cyber-Tel, Inc.'s certificate is cancelled, the serving local exchange companies are directed to discontinue service to all pay telephones operated by that company. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this Order shall become final.

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By ORDER of the Florida Public Service Commission, this 27th
day of April, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

LMB

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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 18, 1995.

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.

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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.