

MEMORANDUM

May 5, 1998

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3:50
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA/PELLEGRINI) *KMP* *Q* *MCB*

RE: DOCKET NO. 971385-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4545 ISSUED TO JAMES W. DEBOLT FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES, AND RULE 25-24.520, F.A.C., REPORTING REQUIREMENTS.

980633-FOF-TC

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER REINSTATING PAY TELEPHONE CERTIFICATE NO. 4545, to be issued in the above referenced docket. (Number of pages in order - 4)

KMP/anr
Attachment
cc: Division of Communications
i: 971385rs.kmp

10 fax
1 mail

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4545
issued to James W. DeBolt for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees, and Rule 25-24.520,
F.A.C., Reporting Requirements.

DOCKET NO. 971385-TC
ORDER NO. PSC-98-0633-FOF-TC
ISSUED: May 6, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER REINSTATING PAY TELEPHONE CERTIFICATE NO. 4545

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.

On January 14, 1998, we issued Order No. PSC-98-0086-FOF-TC,
in which we assessed a fine of \$1000 against James W. DeBolt for
violation of Rule 25-4.0161, Florida Administrative Code,
Regulatory Assessment Fees, and Rule 25-24.520, Florida
Administrative Code, Reporting Requirements. We also required him
to submit his delinquent 1996 regulatory assessment fee, along with
statutory penalties and interest charges, and to provide the
Commission with the information required by Rule 25-24.520, Florida
Administrative Code, within five business days of the date our
Order became final. Rule 25-24.520, Florida Administrative Code,

DOCUMENT NUMBER-DATE

05069 MAY-68

FPSC-RECOPOS/REPORTING

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requires a pay telephone company to file updated information with the Commission regarding any change in a company's address.

Mr. DeBolt was the holder of Pay Telephone Certificate No. 4545. In our Order, we stated that if Mr. DeBolt did not comply, his certificate would be canceled. When Mr. DeBolt did not comply with our Order, we canceled his certificate on February 11, 1998, and closed this docket.

On April 13, 1998, this docket was re-opened when Mr. DeBolt requested that we consider reinstating Certificate No. 4545. Mr. DeBolt remitted his delinquent 1996 regulatory assessment fee with the appropriate interest and penalty on April 6, 1998. On April 15, 1998, he provided the required address and liaison information.

Mr. DeBolt has paid all due and owing fees and fines and provided his address and liaison information. Under these circumstances, we grant his request to reinstate Certificate No. 4545.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that the Certificate of Public Convenience and Necessity No. 4545 is hereby reinstated to James W. DeBolt. It is further

ORDERED that James W. DeBolt shall operate under Certificate No. 4545 and shall retain this Order as evidence of certification. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 6th
day of May, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP/CJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 27, 1998.

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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 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.