

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida)
Public Service Commission of)
Certificates to Provide Pay)
Telephone Service:)

Anthony Clark d/b/a Aquite) DOCKET NO. 970216-TC
Espero Restaurant)
Certificate No. 4481)
Robert A. Phillips d/b/a Central) DOCKET NO. 970217-TC
Payphone Vendors, Inc.)
Certificate No. 4498)
Carlos M. Martinez d/b/a CJ'S) DOCKET NO. 970218-TC
Communications)
Certificate No. 4282)
)
) ORDER NO. PSC-97-0316-FOF-TC
) ISSUED: March 24, 1997

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING CERTIFICATES
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 a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

These dockets were initiated pursuant to requests filed by the Commission's staff to cancel the respective entities' certificates of public convenience and necessity, authorizing the provision of pay telephone service (PATS). Each of the respective entities listed in the caption of this Order has been approved to hold a certificate issued by the Commission. However, either the certificate, the regulatory assessment fee billing, or both have been returned as undeliverable by the Post Office.

DOCUMENT NO.
3063-97
3-24-97

The return of these materials indicated that each entity 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. Accordingly, Commission's staff attempted to reach the contact person of each of these entities by telephone. These efforts were unsuccessful, furnishing evidence that each entity may have also violated Rule 25-24.520(1)(b), Florida Administrative Code, which requires the reporting to the Commission 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 each of these entities, Commission Staff has recommended the cancellation of these certificates, pursuant to Rule 25-24.514(1)(b), Florida Administrative Code. It is of paramount importance that PATS certificate holders remain diligent in furnishing the current information necessary to make contact with their representatives. Therefore, the Commission approves its 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>
Anthony Clark d/b/a Aqui te Espero Restaurant	4481
Robert A Phillips d/b/a Central Payphone Vendors, Inc.	4498
Carlos M. Martinez d/b/a CJ's Communications	4282

and the same are hereby cancelled unless each entity pays a \$250 fine and provides the Commission with the information required by Rule 25-24.520(1)(a) and (b), F.A.C., Reporting Requirements, within thirty days after this Order becomes final. The fine is to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes. Each entity that has its certificate cancelled is hereby directed to return it forthwith to the Commission.

The cancellation of these certificates and the closing of these dockets in no way diminishes the above entities' obligations to pay applicable delinquent regulatory assessment fees, along with statutory penalties and interest charges.

The dockets listed in this Order will be closed following expiration of the period specified in this Order unless an appropriate petition for hearing protesting a specific docket is

filed by one whose substantial interests may or will be affected by this proposed agency action, as provided by Rules 25-22.029 and 25-22.036(7)(a), Florida Administrative Code. A petition protesting the action proposed here with regard to a specific docket filed by one whose substantial interests are affected will not prevent our proposed action from becoming final as to any other docket listed in this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the certificates listed in this Order shall be cancelled unless the entity pays a \$250 fine and provides the Commission with the information required by Rule 25-24.520(1)(a) and (b), F.A.C., Reporting Requirements, within thirty days after this Order becomes final. The cancellation of the entities' certificates in no way diminishes the entities' obligation to pay applicable delinquent regulatory assessment fees, along with statutory penalties and interest charges. It is further

ORDERED that the fine is to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes. It is further

ORDERED that each entity that has its certificate cancelled, shall return it forthwith to the Commission. It is further

ORDERED by the Florida Public Service Commission that this Order shall become final unless an appropriate petition is filed during the period specified below. It is further

ORDERED that a petition protesting our action ordered above with regard to a specific docket, filed by one whose substantial interests are affected, shall not prevent such action from becoming final as to the other dockets listed in the Order. It is further

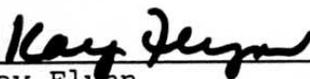
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, 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, these Dockets shall be closed.

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By ORDER of the Florida Public Service Commission, this 24th
day of March, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn
Chief, Bureau of Records

(S E A L)

KMP

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 120.58, 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 April 14, 1997.

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.