

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 940268-TC
certificate to provide pay) ORDER NO. PSC-95-0397-FOF-TC
telephone service by ALLEGHENY) ISSUED: March 22, 1995
COIN COMPANY, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING PAY TELEPHONE 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.

On March 16, 1994, we received an application for a Certificate of Public Convenience and Necessity to provide pay telephone service from Allegheny Coin Company, Inc. (Allegheny). The application indicated the company would do business as a corporation. Pursuant to Form PSC/CMU 32, incorporated into Rule 25-24.511, Florida Administrative Code, by reference, a corporation must provide proof that it is authorized to conduct business in Florida. Allegheny did not provide that documentation and has not complied with Rule 25-24.511, Florida Administrative Code.

Our staff attempted to ensure completion of the application by working with the company liaison. Through September, 1994, the company stayed in contact with our staff and twice requested additional time to complete the application. In December, 1994 and January, 1995, our staff left four separate messages for the company liaison, asking that the company provide the required documentation.

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A certified letter was sent to Allegheny on January 11, 1995, and the certified mail receipt was signed on January 18, 1995. Allegheny did not respond to this letter. Failure to respond to Commission staff inquiries is a violation of Commission Rule 25-4.043, Florida Administrative Code, which states, in pertinent part, that necessary replies to Commission inquiries shall be furnished in writing within 15 days from the date of the inquiry.

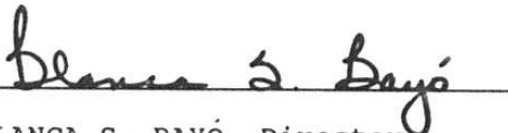
According to Rule 25-24.511(4), Florida Administrative Code, a certificate will be granted if the Commission determines that grant of the application is in the public interest. Allegheny has not completed our required application form nor responded to inquiries from our staff. Therefore, we find that it is not in the public interest to grant Allegheny a pay telephone certificate and hereby deny its application.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request that a Certificate of Public Convenience and Necessity to provide pay telephone service be granted to Allegheny Coin Company, Inc. is hereby denied. 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 docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of March, 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 April 12, 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.

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.