

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 4314 issued to M.C. Trading & Associates, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

DOCKET NO. 981218-TC
ORDER NO. PSC-99-0826-AS-TC
ISSUED: April 22, 1999

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

M.C. Trading & Associates, Inc. (M.C. Trading) currently holds Certificate of Public Convenience and Necessity No. 4314, issued by the Commission on November 28, 1995, authorizing the provision of pay phone service.

Under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. All entities that apply for certification receive a copy of our rules governing pay telephone service and an affidavit in which the applicants attest that the rules have been received and understood by the applicant. This affidavit must be attached to the application in order for the application to be

DOCUMENT NUMBER-DATE

05220 APR 22 99

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-0826-AS-TC
DOCKET NO. 981218-TC
PAGE 2

processed. The RAF form was mailed to M.C. Trading in December, 1997, for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to M.C. Trading on December 31, 1997.

The Division of Administration further advised our staff by memorandum that M.C. Trading had not paid the regulatory assessment fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the years 1996 and 1997, nor statutory penalties and interest charges for late RAFs payments for the years 1996 and 1997.

Commission staff attempted to reach the contact person of M.C. Trading by telephone. This effort was unsuccessful, indicating that M.C. Trading may have 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.

After this docket was opened, our staff received a call from Mr. Edward Nnadi, M.C. Trading's President. He stated that the company would pay all the past due charges and would propose a settlement offer. M.C. Trading paid all the past due statutory penalties and interest charges, provided the Commission with its correct address and telephone number, and submitted a settlement offer. M.C. Trading agreed to pay future regulatory assessment fees in a timely manner, provide the Commission with updated reporting requirements within 10 days of a change, and contribute \$30 to the State General Revenue Fund. Our staff advised Mr. Nnadi that in similar cases to his, we had accepted settlement offers of \$200 for the two rule violations. Mr. Nnadi responded that he wanted to keep his certificate but would not offer a higher monetary settlement amount. By Order No. PSC-98-1735-FOF-TC, issued on December 21, 1998, we denied M.C. Trading's settlement proposal and ordered it to pay a \$1,000 fine or have its certificate canceled. On December 31, 1998, Mr. Nnadi responded to our Order by proposing to pay future regulatory assessment fees in a timely manner and offered a \$200 settlement to resolve this matter.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter.

ORDER NO. PSC-99-0826-AS-TC
DOCKET NO. 981218-TC
PAGE 3

Accordingly, we hereby accept the settlement offer. M.C. Trading must comply with these requirements within five business days from the date this Order becomes final. The contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Upon remittance of the \$200 contribution, this docket shall be closed.

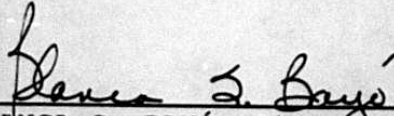
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that M.C. Trading & Associates, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$200 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that upon receipt of the \$200 contribution this docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of April, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

ORDER NO. PSC-99-0826-AS-TC
DOCKET NO. 981218-TC
PAGE 4

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.