

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against MK Communications, Inc. for apparent violation of Rule 25-24.515, F.A.C., Pay Telephone Service.

DOCKET NO. 010179-TC
ORDER NO. PSC-01-1236-AS-TC
ISSUED: June 1, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

MK Communications, Inc. (MK Communications) obtained Certificate No. 7440 on June 2, 2000, to provide Pay telephone service. Our Staff performed service evaluations of three pay telephone stations operated by MK Communications on November 8, 2001. Our staff determined that 0- calls made at the pay telephone stations were not routed to an authorized telecommunications company. A dial tone was not given when "0" was pressed. Through written correspondence, our staff notified MK Communications of the apparent violations. MK Communications subsequently submitted a Service Violation Correction Form indicating that the violations cited in the aforementioned evaluations are being corrected. Specifically, the company stated that its system shows that the program for routing a 0- call is set up correctly, and that the company is checking with its provider.

Our Staff performed a second evaluation of the same three pay telephone stations on January 2, 2001. The same rule violations were still present. On January 26, 2001, MK Communications submitted a second Service Violation Correction Form indicating that the company will check with its carrier to see if the 0- call

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routing problem could be on their provider's end. The payphones were apparently still not in compliance with Rule 25-24.515(12), Florida Administrative Code, Pay Telephone Service. We then opened this docket to initiate show cause proceedings.

On March 20, 2001, MK Communications proposed a settlement offer in lieu of continuing with the show cause proceedings. Subsequently, on March 28, 2001, MK Communications submitted correspondence to us explaining the circumstances contributing to the apparent rule violations and stated that it has been working to resolve the problem causing the rule violations. In its correspondence, MK Communications included a letter from Opticom Operator Services that indicates the problem was corrected on March 23, 2001.

MK Communications has voluntarily offered a monetary settlement in lieu of continuing with the show cause proceedings which could result in the cancellation of its certificate. In a letter received on April 5, 2001, MK Communications proposed a settlement offer and included a waiver of objection to the administrative cancellation of the company's certificate in the event the company ultimately fails to comply with the terms of its offer. MK Communications offered to make a voluntary contribution of \$100 to the Florida General Revenue Fund.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. MK Communications, must comply with these requirements within ten business days from the date this Order becomes final. The contribution should be identified with the docket number and the company name. Upon timely receipt, 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. MK Communications, has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed. We are vested with jurisdiction over this matter pursuant to Sections 364.337 and 364.285, Florida Statutes.

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Based on the foregoing, it is

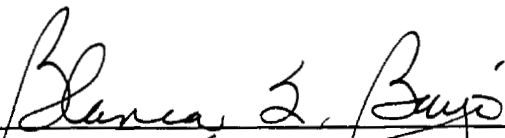
ORDERED by the Florida Public Service Commission that MK Communications, Inc.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if MK Communications, Inc. fails to comply with this Order, its certificate will be canceled administratively. It is further

ORDERED that upon receipt of the \$100 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 1st day of June, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.