

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Movie,
Television & Graphics Corp. d/b/a M.T.G. for
apparent violation of Section 364.183(1), F.S.,
Access to Company Records.

DOCKET NO. 050954-TX
ORDER NO. PSC-06-0600-FOF-TX
ISSUED: July 10, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

ORDER APPROVING PAYMENT PLAN

BY THE COMMISSION:

I. Case Background

On March 20, 2006, the Florida Public Service Commission (this Commission) issued Proposed Agency Action (PAA) Order No. PSC-06-0229-PAA-TX (the PAA Order) in Docket No. 050954TX – Compliance investigation of Movie, Television & Graphics Corp. d/b/a M.T.G. for apparent violation of Section 364.183(1), F.S., Access to Company Records, imposing a penalty of \$10,000 on Movie, Television & Graphics Corp. d/b/a M.T.G. (MTG) for its apparent violation of Florida statutes for failure to allow our staff access to its company records. Consummating Order (CO) PSC-06-0290-CO-TX was issued on April 13, 2006, making the PAA Order final and effective. According to the PAA Order, MTG was given until 14 calendar days after the issuance of the CO, or April 27, 2006, to pay the \$10,000 penalty or have its competitive local exchange telecommunications company (CLEC) certificate canceled.

MTG contacted our staff via E-mail on April 26, 2006, with its response to the CLEC data request and a settlement offer. Our staff explained that since the CO had been issued, making the PAA Order final and effective, the company's only options were to pay the penalty by April 27, 2006, or have its CLEC certificate canceled. MTG requested that it be allowed to pay the \$10,000 penalty over time. Our staff instructed the company to submit its request in writing along with its proposed payment plan.

We are vested with jurisdiction over this matter pursuant to Sections 364.183, 364.285 and 364.386, Florida Statutes.

DOCUMENT NUMBER-DATE

06048 JUL 10 8

FPSC-COMMISSION CLERK

II. Analysis:

On April 26, 2006, MTG submitted an offer to settle the issue in this docket. Because the protest period had expired and the CO had been issued, a settlement was no longer an option for the company. MTG expressed its interest in keeping its CLEC certificate active in Florida even though it claims it is not currently providing local telecommunications service and cannot afford to pay the entire penalty at this time. To keep its certificate, MTG proposes to pay the \$10,000 penalty in 24 monthly installments until it is paid in full.

We have approved similar payment plans for settlements in other dockets, such as the payment plan approved in Docket Nos. 010409-TP, In Re: Petition by Citizens of State of Florida for investigation of Talk America Inc. and its affiliate, The Other Phone Company, Inc. d/b/a Access One Communications, for willful violation of Rule 25-4.118, F.A.C., and 010564-TX, In Re: Investigation of possible violation of Commission Rules 25-4.118 and 25-24.110, F.A.C., or Chapter 364, F.S., by The Other Phone Company, Inc. d/b/a Access One Communications, holder of ALEC Certificate No. 4099, and Talk America Inc., holder of ALEC Certificate No. 4692, in which this Commission approved a plan to allow Talk America, Inc. to pay a total of \$240,000 in 36 equal monthly payments.

III. Decision

Therefore, we find it appropriate to accept Movie, Television & Graphics Corp. d/b/a M.T.G.'s request to pay the \$10,000 penalty imposed by Proposed Agency Action Order PSC-06-0229-PAA-TX in 23 equal monthly payments of \$416.67, with a final payment of \$416.59, until the \$10,000 is paid in full. Accordingly, this docket shall remain open pending the receipt of the 23 monthly payments of \$416.67 with a final payment of \$416.59, for a total of \$10,000, from MTG. The first payment shall be due within 14 calendar days after the issuance of the Order in this docket, and each subsequent payment shall be due on the 15th day of each month thereafter until the penalty is paid in full. If the 15th of a given month is on a weekend or holiday, the payment shall be due on the next business day. If the company fails to timely submit one of its payments, certificate number 4692 shall be canceled and this docket shall be closed administratively. If MTG timely submits all payments and pays the \$10,000 penalty in full, this docket shall be closed administratively.

Based on the foregoing, it is

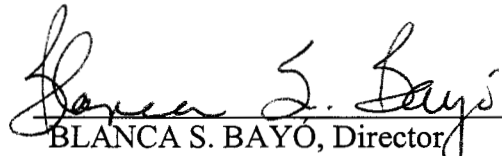
ORDERED by the Florida Public Service Commission that Movie, Television & Graphics Corp. d/b/a M.T.G.'s request to pay the \$10,000 penalty imposed by Proposed Agency Action Order PSC-06-0229-PAA-TX in 23 equal monthly payments of \$416.67, with a final payment of \$416.59, until the \$10,000 is paid in full, be accepted. It is further

ORDERED that this docket shall remain open pending the receipt of the 23 monthly payments of \$416.67 with a final payment of \$416.59, for a total of \$10,000, from Movie, Television & Graphics Corp. d/b/a M.T.G. The first payment shall be due within 14 calendar days after the issuance of the Order in this docket, and each subsequent payment shall be due on

the 15th day of each month thereafter until the penalty is paid in full. If the 15th of a given month is on a weekend or holiday, the payment shall be due on the next business day. It is further

ORDERED that if the company fails to timely submit one of its payments, certificate number 4692 shall be canceled and this docket shall be closed administratively. If Movie, Television & Graphics Corp. d/b/a M.T.G. timely submits all payments and pays the \$10,000 penalty in full, this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 10th day of July, 2006.



BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

TLT

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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.