

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

## -M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC  
MAR 18 PM 12:01

RECORDS AND REPORTING

DATE: MARCH 18, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (10)

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *DK*  
DIVISION OF LEGAL SERVICES (K. PEÑA) *KMP* *MRB*

RE: DOCKET NO. 981218-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PATS 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.

AGENDA: 03/30/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981218.RCM

### CASE BACKGROUND

M.C. Trading & Associates, Inc. obtained Florida Public Service Commission Pay Telephone Certificate No. 4314 on November 28, 1995.

The Division of Administration mailed the 1997 regulatory assessment fee (RAF) notice by certified mail. The United States Postal Service (USPS) returned the receipt, which showed the RAF notice was signed for and delivered on December 31, 1997.

The Division of Administration advised staff by memorandum that this company had not paid its 1997 RAF, plus the 1996 and 1997 statutory penalty and interest charges.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Staff called the telephone number listed in the Master Commission Directory for this company, but was unsuccessful in reaching the company. Staff then called Directory Assistance, but no new listing was provided.

On September 23, 1998, Mr. Edward Nnadi, President, called staff and advised that he wanted to keep his certificate, would pay the past due amount, and would make a settlement offer. In addition, he provided the Commission with his correct address and telephone number. On October 30, 1998, the company paid the past due amount and offered to make a contribution in the amount of \$30. Staff called Mr. Nnadi and explained that in similar cases to his, the Commission had accepted settlement offers of \$200 for the two rule violations. Mr. Nnadi advised staff 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, the Commission denied the company's settlement proposal and ordered the company to pay a \$1,000 fine or have its certificate canceled.

On December 31, 1998, Mr. Nnadi responded to the Commission's Order by letter, in which he proposed to pay future regulatory assessment fees by the due date of each year and offered a \$200 settlement to resolve this case. Therefore, staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by M.C. Trading & Associates, Inc., to resolve the apparent violations of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements?

RECOMMENDATION: Yes. The Commission should accept the company's settlement offer. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. (Isler)

**STAFF ANALYSIS:** Rule 25-4.0161, Florida Administrative Code, requires the payment of regulatory assessment fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

The Division of Administration notified staff by memorandum that the company had not submitted the 1997 regulatory assessment fees, along with the 1996 and 1997 statutory penalty and interest charges.

Staff called the telephone number listed in the Master Commission Directory for this company, but was unsuccessful in reaching the company. Staff then called Directory Assistance, but no new listing was provided.

On September 23, 1998, Mr. Edward Nnadi, President, called staff and advised that he wanted to keep his certificate, would pay the past due amount, and would make a settlement offer. In addition, he provided the Commission with his correct address and telephone number. On October 30, 1998, the company paid the past due amount and offered to make a contribution in the amount of \$30. Staff called Mr. Nnadi and explained that in similar cases to his, the Commission had accepted settlement offers of \$200 for the two rule violations. Mr. Nnadi advised staff 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, the Commission denied the company's settlement proposal and ordered the company to pay a \$1,000 fine or have its certificate canceled.

On December 31, 1998, Mr. Nnadi responded to the Commission's Order by letter, in which he proposed to pay future regulatory assessment fees by the due date of each year and offered a \$200 settlement to resolve this case.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be paid by the company within five business days from the effective date of the Commission Order. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue and pursuant to Section 364.285(1), Florida Statutes.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, if the Commission approves staff's recommendation in Issue 1 and upon remittance of the \$200 contribution, this docket should be closed. (K. Peña)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$200 contribution, this docket should be closed. The contribution should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes.