

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0856

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

RECORDS AND
REPORTING

59 MAY 20 AM 9:58

RECEIVED-FPSC

DATE: MAY 20, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *DiJ* *LD*
DIVISION OF LEGAL SERVICES (K. PEÑA) *KMP* *CB*

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: 06/01/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

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

CASE BACKGROUND

- 11/28/95 - M.C. Trading & Associates, Inc. obtained Florida Public Service Commission PATS Certificate No. 4314.
- 12/11/97 - 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.
- 09/23/98 - 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

06368 MAY 20 99

FPSC-RECORDS/REPORTING

STAFF ANALYSIS: Order No. PSC-98-1735-FOF-TC was issued on December 21, 1998, which imposed a \$500 fine for the RAF's violation and a \$500 fine for the reporting requirements violation, required payment of the fine and past due regulatory assessment fees, or canceled the certificate. The company had until January 11, 1999 to respond to the Order and until January 18, 1999 to pay the fine and past due fees. Mr. Edward O. Nnadi, President, wrote staff and made a settlement offer, consistent with similar cases. Staff inadvertently did not send the letter to the Division of Records and Reporting and the docket was routinely closed. On January 21, 1999, staff requested that the docket be reopened so that this docket could be taken back to Agenda to recommend acceptance of the settlement. The Commission voted at the March 30 Agenda Conference to accept the company's settlement offer.

On April 13, the company paid the \$200 settlement. On May 4, staff was made aware that this company's certificate had been canceled on January 18, after the original Order was issued, therefore, another vote by the Commission was required.

Accordingly, staff believes the Commission should reinstate the certificate and reaffirm its vote at the March 30, 1999 Agenda Conference to accept the settlement offer.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (K. Peña)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.