

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 4267  
issued to Nutrend  
Communications, Inc. for  
violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 000959-TC  
ORDER NO. PSC-01-0212-AS-TC  
ISSUED: January 23, 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:

Nutrend Communications, Inc. (Nutrend) currently holds Certificate of Public Convenience and Necessity No. 4267, issued by the Commission on September 28, 1995, authorizing the provision of pay telephone service. The Division of Administration advised our staff by memorandum that Nutrend had not paid the 1999 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1999 had not been paid. RAFs are required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. All entities that apply for certification receive a copy of our rules governing pay telephone service.

Pursuant to 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. The RAFs form was

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mailed to Nutrend for the period of January 1 through December 31. 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. Nutrend was scheduled to remit its 1999 RAFs by January 31, 2000.

On September 25, 2000, we issued Order No. PSC-00-1708-PAA-TC to impose a \$500 fine. Failure to comply or respond to this Order would result in the cancellation of Nutrend's certificate. On November 13, 2000 we received the 1999 RAFs, including all but \$0.50 of the statutory penalty and interest charges and a settlement proposal. Nutrend offered to contribute \$200 to the State General Revenue Fund, and proposed to pay future RAFs on a timely basis. The company agreed to pay the \$0.50 balance when the \$200 contribution is made.

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. Nutrend 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. If Nutrend fails to comply with this Order, its certificate will be canceled administratively. Upon remittance of the \$200 contribution and the payment of the balance of the statutory interest charge or cancellation of the certificate, this docket shall be closed. The Commission is vested jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Nutrend 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 \$200 contribution and the balance of the statutory interest charge. The contribution will be transmitted to the Comptroller

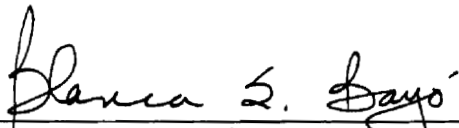
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for deposit in the State of Florida General Revenue Fund. It is further

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

ORDERED that upon receipt of the \$200 contribution and the balance of the statutory interest charge or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 23rd day of January, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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

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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.