



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

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

DATE: 11/05/98

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

FROM: DIVISION OF COMMUNICATIONS (MCCOY) *JM*
DIVISION OF LEGAL SERVICES (COX) *WJC MCB*

RE: DOCKET NO. 981249-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3977 ISSUED TO MULTIMEDIA TELEPHONE SERVICE, INC. FOR VIOLATION OF RULES 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES, AND 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 11/17/98 - REGULAR AGENDA -PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: I:\PSC\CMU\WP\981249TI.RCM

CASE BACKGROUND

- Multimedia Telephone Services, Inc. (Multimedia) was granted a Florida Public Service Commission Interexchange Telecommunications certificate number 3977 on May 10, 1995.
- The Division of Communications received a request from the Division of Consumer Affairs to research complaints registered against Multimedia for non-response to Commission inquiries.
- The Division of Communications was provided a memorandum dated April 7, 1998, from the Division of Records and Reporting stating that a certified letter had been mailed to Multimedia on December 22, 1997, to determine the status of Multimedia's operations. This letter was returned by the U.S. Postal Service stamped "Return To Sender", "Moved, Left No Forwarding Address" and "Forwarding Order Expired". (Attachment A)

DOCUMENT NUMBER-DATE

12251 NOV-3 98

FT 30-RECORDS/REPORTING

- Staff attempted unsuccessfully to reach Multimedia by calling the telephone number listed for Multimedia in the Master Commission Directory. This number has been disconnected. Staff attempted to fax a letter to Multimedia at the fax number listed for Multimedia in the Master Commission Directory. The fax number has also been disconnected.
- On May 22, 1998, staff contacted the Multimedia Liaison Tariff Consultant listed in the Master Commission Directory and was told by the consultant that Multimedia was no longer in business.
- Multimedia's Florida corporation status was 'Revoked For Annual Report' as of September 26, 1997.
- On September 17, 1998, staff was notified by the Division of Administration that Multimedia had not submitted its regulatory assessment fees for 1996 or 1997.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$10,000 fine or cancel Multimedia's Interexchange Telecommunications Certificate No. 3977 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. The Commission should impose a \$10,000 fine for failure to respond to the Commission or cancel certificate number 3977 issued to Multimedia within 5 business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285 (1), Florida Statutes. If the Commission's Order is not protested and the fine is not received, certificate number 3977 should be canceled. (McCoy)

STAFF ANALYSIS: Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company fails to comply with Commission rules. Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, requires a reply to an inquiry by the Commission to be furnished in

writing within (15) days of the Commission inquiry. Certified mail sent to Multimedia has been returned and Multimedia's telephone number has been disconnected. Staff is unaware of another existing telephone number or forwarding address for Multimedia. Accordingly, staff recommends the Commission assess a \$10,000 fine for failure to comply with Commission rules or cancel certificate number 3977 if the fine is not paid within the specified time.

ISSUE 2: Should the Commission impose a \$500 fine or cancel Multimedia's Interexchange Telecommunications Certificate No. 3977 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel Multimedia's certificate number 3977 if the fine and the regulatory assessment fees, including statutory penalties and interest are not received by the Commission within 5 business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285 (1), Florida Statutes. If the Commission's Order is not protested and the fine and the regulatory assessment fees, including statutory penalties and interest are not received, certificate number 3977 should be canceled. (McCoy)

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.

On September 17, 1998, staff learned that Multimedia had not submitted the regulatory assessment fees for the years 1996 and 1997, along with the statutory penalties and interest charges. Multimedia has failed to comply with Rule 25-4.0161, Florida Administrative Code.

Staff recommends the Commission assess a \$500 fine for failure to comply with Commission rules or cancel certificate number 3977 if the fine and the regulatory assessment fees, along with the statutory penalties and interest, are not paid within the specified time.

DOCKET NO. 981249-11
DATE: November 5, 1998

ISSUE 3: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines and fees, or cancellation of Multimedia's certificate, this docket should be closed. (Cox)

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue's 1 and 2, then Multimedia will have 21 days from the issuance date of the Order to file a timely protest to the Commission's Proposed Agency Action. If no protest is filed, the docket should be closed upon payment of the fines and receipt of the required information or upon cancellation of Multimedia's certificate.

DOCKET NO. 981249-TI
DATE: NOVEMBER 5, 1998

MEMORANDUM

ATTACHMENT A

April 7, 1998

TO: ~~Rich Mason~~, Division of Communications
FROM: Nonnye Grant, Division of Records and Reporting
RE: Returned Mail

We have received returned mail from the United States Post Office on the following Company:

MULTIMEDIA TELEPHONE SERVICE, INC. (TI342)

The Post Office returned the mail on the above Company stating the following reason(s):

Addressee Unknown
 Attempted - Not Known
 Box Closed - No Order
 Forwarding Order Expired
 Insufficient Address
 Moved, Left No Forwarding Address
 No Forward Order on File
 No Mail Receptacle/Vacant
 No Such Person or Number
 No Such Office in State
 No Such Street
 Not at this Address
 Refused
 Return to Sender
 Return for Better Address
 Unable to Forward
 Unable to Locate
 Unclaimed
 Undeliverable as Addressed
 Vacant
 Verification of Address furnished by Post Office

Please furnish us with a current address, both for mail and location.

Also, we need to have new phone and fax numbers since they have moved. Should you not be able to get a current address, can staff initiate proceedings to have the Company's certificate canceled?

Copy of returned envelope attached for your information.

/nbg
Attachment(s)

RECEIVED

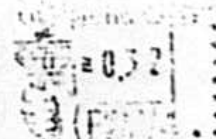
'APR 06 1998

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CMU

ATTACHMENT A

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0870



TI342

MultiMedia Telephone Service, Inc.
450 Mission Street, Suite 407
San Francisco CA 94105

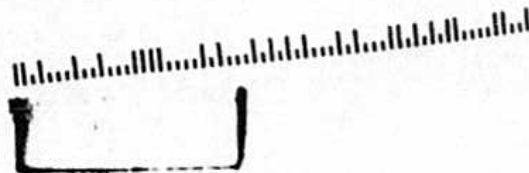
Moved, Left no Address
 Address not known
 Forwarding Order Expired
 No such number
 Deleted
 Insufficient postage
 Temporary mail
 No valid receiving address

DOCKET NO. 981249-TI
DATE: NOVEMBER 5, 1998

MULT450 941053007 1597 15 03/16/98
NOTIFY SENDER OF NEW ADDRESS
MULTIMEDIA TELEPHONE SERVICES - MTS
1255 POST ST / E M WALSH STE 940
SAN FRANCISCO CA 94109-6712



94105-2521 03



DOCKET NO. 981249-TI
DATE: NOVEMBER 5, 1998

ATTACHMENT A

SENDER:
• Complete items 1 and/or 2 for additional services.
• Complete items 3, 4a, and 4b.
• Print your name and address on the reverse of this form so that we can return this card to you.
• Attach this form to the front of the mailpiece, or on the back if space does not permit.
• Write "Return Receipt Requested" on the mailpiece below the article number.
• The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. Addressee's Address
2. Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to: **TI 342**

4a. Article Number **0173996791**

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery **12-22-97**

8. Addressee's Address (Only if requested and fee is paid)

6. Received By: (Print Name) **JUAN**

5. Signed by: (Addressed only) **[Signature]**

PS Form 3811, December 1994 424 102596-07-S-0179 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?
Thank you for using Return Receipt Service.