

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Arrow Communications, Inc. d/b/a ACI for apparent violation of Section 364.183(1), F.S., Access to Company Records.

DOCKET NO. 050948-TX
ORDER NO. PSC-06-0945-FOF-TX
ISSUED: November 13, 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 ACKNOWLEDGING WITHDRAWAL OF PROTEST

BY THE COMMISSION:

I. Background:

On December 27, 2005, our staff opened Docket No. 050948-TX against Arrow Communications, Inc. d/b/a ACI (ACI) for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. On June 3 and July 19, 2005, our staff sent certified letters to ACI requesting data contained in its company records for inclusion in the Florida Public Service Commission's annual report to the Legislature on the status of local competition in Florida. ACI's personnel signed the return receipt card for each certified letter, but our staff did not receive the company's response.

Docket No. 050948-TX was scheduled to be heard at the February 28, 2006, Agenda Conference. However, on February 23, 2006, ACI submitted a request to defer the docket from the scheduled Agenda Conference pending settlement negotiations with our staff. ACI's request was approved.

On May 2, 2006, our staff brought a recommendation before this Commission to address ACI's proposed settlement. This Commission denied ACI's proposed settlement and on May 22, 2006, issued Proposed Agency Action (PAA) Order 06-0440-PAA-TX, penalizing the company \$10,000 for its apparent violation of Section 364.183(1), Florida Statutes.

On June 6, 2006, ACI filed a petition protesting the PAA Order issued on May 22, 2006. An informal meeting was held between our staff and the company's counsel on August 23, 2006. On September 1, 2006, ACI filed a letter advising of withdrawal of its petition protesting PAA

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Order 06-0440-PAA-TX and acknowledged that Certificate No. 4468 shall be canceled per the Order.

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

II. Analysis:

As ACI has filed a withdrawal of its Protest, we find it appropriate to acknowledge ACI's withdrawal of its Protest.

III. Conclusion:

We find it appropriate that PAA Order No. PSC-06-0440-PAA-TX be rendered final and effective and that Certificate No. 4468 be canceled per this Commission's May 22, 2006, Order. We also find that this docket shall be closed and competitive local exchange telecommunications company (CLEC) Certificate No. 4468 shall be canceled upon issuance of this Order. The company shall be required to immediately cease and desist providing CLEC services in Florida. Our staff shall send the company the 2006 Competitive Local Exchange Regulatory Assessment Fee Return, Form PSC/CMP 7 (01/05), as required by Rule 25-4.0161, Florida Administrative Code.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that PAA Order No. PSC-06-0440-PAA-TX be rendered final and effective. It is further

ORDERED that Arrow Communications, Inc.'s competitive local exchange telecommunications company Certificate No. 4468 be canceled per this Commission's May 22, 2006, Order and upon issuance of this Order and that the company shall be required to immediately cease and desist providing CLEC services in Florida.. It is further

ORDERED that the Arrow Communications, Inc. shall be sent the 2006 Competitive Local Exchange Regulatory Assessment Fee Return, Form PSC/CMP 7 (01/05), as required by Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 13th day of November, 2006.

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

By: Marcia Sharma
Marcia Sharma, Assistant Director
Division of the Commission Clerk
and Administrative Services

(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 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.