

State of Florida



Public Service Commission
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ORIGINAL

DATE: February 21, 2002
TO: Division of Commission Clerk and Administrative Services
FROM: Angela Fondo
RE: Add to file for Docket No. 011439-TX

Please add this information received to the file for Cox Communications, Docket No. 011439-TX.

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December 3, 2001

BY HAND DELIVERY

Ms. Angela Fondo
Division of Competitive Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 011439-TX, In Re: Compliance Investigation Of Cox
Florida Telcom, L.P., d/b/a Cox Communications For Apparent
Violation Of Section 364.183(1), F.S., Access to Company
Records.

Offer of Settlement

Dear Ms. Fondo:

The purpose of this letter is to propose a settlement to the
above compliance investigation.

The Compliance Investigation

On October 26, 2001, the Commission initiated the subject
compliance investigation. The basis of the investigation is that
Cox Florida Telcom, L.P. ("Cox") failed to respond to certain
data requests issued by the Commission pursuant to Section
364.183(1), Florida Statutes, and that this failure to respond
constitutes either a refusal to comply with the Commission's
request/rule or a willful violation of the Commission's rules.
As a consequence of the alleged violation, the Commission Staff
contemplate that the Commission should impose a penalty against
Cox pursuant to Section 364.285(1), Florida Statutes. The data
requests concerned the status of local competition in Florida and
asked local service providers to assess the competitive climate
and barriers to competition.

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DIVISION OF
COMPETITIVE SERVICES

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Cox's Response

Cox fully intended to submit the requested data in response to the data request. Having received the Commission's original request, which was dated July 6, 2001, Cox went so far as to hire a consultant to prepare the responses, which were faxed to Cox on July 26, 2001. A copy of these responses, showing the July 26 date on the fax header, is attached to this letter. Cox does not know why the requested data were not forwarded to the Commission other than that this was a simple oversight; apparently, the responses were simply placed in the wrong batch of papers within Cox's offices and were thus not returned to the Commission. In any event, the failure was inadvertent, and Cox neither refused to comply with the Commission's request nor willfully violated the Commission's rules or orders. Indeed, almost immediately after being notified by the Commission Staff (by letter received by Cox on or about November 15, 2001) that this compliance investigation had been initiated because the Commission had not received the data, the undersigned came to the Commission's offices (on November 16, 2001) and, explaining that he had full authority to sign the responses for Cox, offered the responses to the Staff. The Staff, however, declined this offer, advising that the data was not of any use since the report had already been prepared.

There is no dispute that this event is Cox's "first offense" of this type or nature. Moreover, it is undisputed that there was no follow-up communication of any kind from either the Commission or the Commission Staff regarding the data request after the initial letter request of July 6, 2001.

Cox is in the process of implementing new and additional procedures to avoid any recurrence of such an oversight in the future. Cox will provide a written report to the Commission on the status of the implementation of these new procedures by December 31, 2001.

Offer of Settlement

In light of the above, Cox believes that the interests of the public, the Commission, and Cox itself can best be served through settlement of this matter. While Cox denies that it refused to comply with the Commission's data request and also

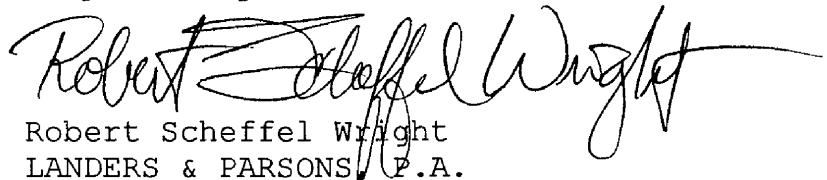
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denies that it willfully failed to provide the data responses, Cox proposes the following settlement: that the Commission impose a fine of \$100 for this first offense and require Cox to report to the Commission on the status of its new procedures by December 31, 2001.

Cox believes that, upon review, the Commission will find that accepting this settlement offer is appropriate and in the public interest. The settlement offer recognizes the seriousness of the matter while reflecting the mitigating factors in this case. The settlement also provides for Cox to implement procedures to prevent a recurrence of the oversight and to promptly report to the Commission on the status of implementing those procedures. Settlement will avoid subjecting the Commission, its Staff, and Cox to the unnecessary expense and inconvenience of administrative litigation.

Therefore, Cox respectfully requests that the Commission approve this offer of settlement on the bases stated herein, and that the Commission issue its final order reflecting such acceptance on the terms proposed and providing that, upon receipt of Cox's report on the status of its new procedures for handling and responding to Commission data requests, this docket be closed.

Respectfully submitted,



Robert Scheffel Wright
LANDERS & PARSONS, P.A.

Attorneys for Cox Florida Telcom, L.P.

COPIES: Patricia Christensen, Esquire
Florida Public Service Commission

Jill N. Butler
Cox Communications