

REQUEST FOR CHANGE TO AGENDA CONFERENCE
HAND DELIVER

ORIGINAL

Date of Request: 04/22/2002 Date of Agenda Conference: 04/23/2002 Item No. 11

Docket No.: 020185-TX Brief Title: Compliance Investigation of Cellular One of Southwest Florida

Requested by: Staff Other James A. Dwyer, III

Please attach a copy of the written documentation filed (if other) _____ (Name)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

ACTION REQUESTED [see APM 2.11 and SOP 1607]

Defer Item to Agenda Scheduled Date: 05/21/2002

Change Order of Item or Take Up at Time Certain

Withdraw Item

Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**

Add Item to Published Agenda [see Section 120.525(2), F.S.] - Issue an ADDENDUM and give Legal NOTICE

Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] - Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

Company has requested the item be removed from the Agenda. The company provides that staff had mailed the information request to the wrong address. Staff has been unable to reach Mr. Dwyer to discuss this matter. Therefore staff believes the item should be deferred to allow staff time to research and discuss this docketed matter with Mr. Dwyer.

Signature (OPR Staff): A Fondo Initials (OPR Division Director or Designee): AD

Signature (Legal Staff): Jo Fulk Initials (Legal Division Director or Designee): JF

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office Approve Request Deny Request

Initials: MMB Date: 4/22/02

Comments:

CHAIRMAN'S OFFICE: Approve Request Deny Request

Initials: AS Date: 4/22/02

Executive Suite will send the original to the Division of Commission Clerk and Administrative Services and return a copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

Blanca
Sandy
Rose
PSC/EXD-1 (03/02)

DOCUMENT NUMBER-DATE

04416 APR 22 08

FPSC-COMMISSION CLERK

2100 Electronics Lane
Fort Myers, FL 33912

facsimile transmittal

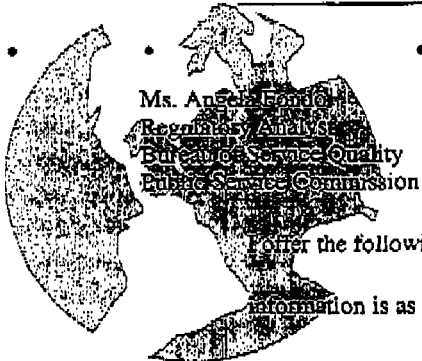
To: Ms. Angela Fondo
Regulatory Analyst Fax: (850) 413-6548

From: James A. Dwyer, III Date: 4/19/02

Re: Florida PCS Docket No. 020185-TX Pages: 2 (including cover)

CC:

Urgent For Review Please Comment Please Reply Please Recycle



offer the following for your review. Please let me know how to proceed. My contact information is as follows:

James A. Dwyer, III
2100 Electronics Lane
Fort Myers, FL 33912
(941) 489-1600

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April 19, 2002

Ms. Angela Fondo
Regulatory Analyst
Bureau of Service Quality
Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850
Via Facsimile - (850) 413-6547

Re: Florida PCS Docket No. 020185-TX

Dear Ms. Fondo:

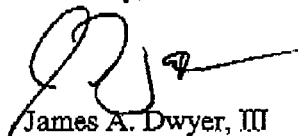
Thank you for your fax detailing our repeated violation with regards to our ALEC Data Request Survey. Let me assure you that it was not our intent to violate this information request again. In fact, we never received the request. Please allow me to explain our situation.

At the time that the July 2001 ALEC Data Request Survey was sent, we were not at the address that you had in your records. We sold our Cellular Telephone business to AT&T Wireless Services in June of 2000. As part of that sale, we retained the ALEC certificate, and AT&T kept the lease on the building that all mail was sent to. They remained in the building until late 2001. The functions of Frank Heaton, who the PSC has listed as their contact for us, moved out of the local area. When any mail came in addressed to Frank Heaton, the AT&T Mailroom would simply forward it to their corporate headquarters out of the area. As near as I can tell, since they did not have the ALEC license in questions, AT&T simply discarded your notice.

Concurrent with these issues, we finally settled our violation for the 2000 period (also mired by the sale of our business) and mailed a check for \$3,500.00 along with a request to address any future correspondence to me. Obviously this was after the June 6 letter went out.

This said, it has always been our intention to follow the mandates of the Data Request. I respectfully request that this item be pulled off of the April 23rd agenda. I will send out the answers to the Data Request Survey on Monday. I hope that we can simply fulfill the responsibilities of the Data Request, and be released from any further action caused by the delay based on the special circumstances described herein.

Sincerely,



James A. Dwyer, III

2100 Electronics Lane . Fort Myers, FL . 33912
Phone (941) 489-1600 . Fax (941) 189-1928