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Public Service Commission

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COMMISSION
CLERK

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

DATE: July 6, 2006

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Division of Competitive Markets & Enforcement (Watts, Ollila) *Watts*
Office of the General Counsel (Tan) *Tan*

RE: Docket No. 060062-TX – Compliance investigation of Campus Communications Group, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

AGENDA: 07/18/06 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\CMP\WP\060062S.RCM.DOC

Case Background

On January 24, 2006, staff opened Docket No. 060062-TX against Campus Communications Group, Inc. (Campus) for its apparent violation of Section 364.183(1), F.S., Access to Company Records. On June 3, 2005, staff sent a certified letter via the United States Postal Service (U.S.P.S.) to Campus requesting data contained in its company records for inclusion in the Florida Public Service Commission's (Commission's) annual report to the Legislature on the status of local competition in Florida (local competition report). The Commission's certified letter was returned by the U.S.P.S. marked, "Box Closed/Unable to Forward/Return to Sender."

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FPSC-COMMISSION CLERK

Docket No. 060062-TX

Date: July 6, 2006

On April 24, 2006, the Commission issued Proposed Agency Action (PAA) Order No. PSC-06-0342-PAA-TX in Docket No. 060062-TX, imposing a \$10,000 penalty on the company for its apparent violation of Florida's statutes. On May 17, 2006, Campus submitted a proposal to settle the issue in the docket. This recommendation addresses Campus' proposed settlement.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.183, 364.285 and 364.386, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

Discussion of Issues

Issue 1: Should the Commission accept Campus Communications Group, Inc.'s settlement offer to voluntarily contribute \$1,000 to the Commission for deposit in the General Revenue Fund to resolve its apparent violation of Section 364.183(1), Florida Statutes?

Recommendation: Yes, the Commission should accept the company's settlement proposal.
(M. Watts/Ollila/Tan)

Staff Analysis: On May 17, 2006, Campus submitted an offer to settle the issue in this docket. In its letter, Campus stated that when staff mailed the June 3, 2005, request, the company was undergoing management changes, and its post office box was inadvertently closed without the knowledge of the new management. The Commission's request was returned as undeliverable because the post office box was closed and apparently had been closed for several months. Subsequently, the company updated its mailing address with the Commission on June 8, 2005. Staff did not mail a second notice to Campus as the post office box was reportedly closed. Given the circumstance that it never received the second letter, Campus proposed the following:

- A monetary offer of \$1,000.00; and
- To establish internal procedures to ensure that future communications from the Commission would be promptly and properly addressed.

Staff believes the terms of the settlement agreement as summarized in this recommendation are consistent with those accepted by the Commission in Docket No. 000215-TX, In Re: Initiation of show cause proceedings against Smart City Networks for apparent violation of Section 364.183(1), F.S., Access to Company Records. The Commission voted to accept the company's offer of \$1,000 on the basis that staff had no proof that the company had received the second request. The circumstances in Campus' case are similar to those of the company in Docket No. 000215-TX.

Based on the foregoing, staff recommends that the Commission accept Campus Communications Group, Inc.'s settlement offer to voluntarily contribute \$1,000 to the Commission for deposit in the General Revenue Fund to resolve its apparent violation of Section 364.183(1), Florida Statutes.

Docket No. 060062-TX

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Issue 2: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, this docket should remain open pending Campus' remittance of the \$1,000 voluntary contribution, made payable to the Florida Public Service Commission. If Campus fails to remit the contribution within 14 days after issuance of the order, its competitive local exchange company Certificate No. 4446 should be canceled. This docket should be closed administratively upon either receipt of the \$1,000 contribution or upon cancellation of the company's certificate. **(Tan)**

Staff Analysis: Staff recommends that the Commission take actions as set forth in the above staff recommendation.