

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Grande Communications Networks, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

DOCKET NO. 080449-TX
ORDER NO. PSC-08-0734-PAA-TX
ISSUED: November 4, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

NOTICE OF PROPOSED AGENCY ACTION
ORDER ACCEPTING SETTLEMENT OFFER

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. Case Background:

On July 8, 2008, Docket No. 080449-TX was opened against Grande Communications Networks, Inc. (GCN) for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. On February 15, 2008, a certified letter was sent via the United States Postal Service to GCN 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). GCN signed the return receipt card for the certified letter, but no company response was received.

On September 24, 2008, this Commission issued Proposed Agency Action (PAA) Order No. PSC-08-0628-PAA-TX imposing a \$10,000 penalty on GCN for its apparent violation of Section 364.183(1), Florida Statutes. On September 23, 2008, GCN submitted a settlement proposal.

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

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II. Analysis:

On September 23, 2008, Ms. Kristene Stark, senior regulatory analyst for GCN, submitted an offer to settle the issue in this docket. In the letter, Ms. Stark stated that GCN did timely respond to the data request via facsimile, but did not have proof that it had done so. Thus, GCN proposed the following:

- Make a voluntary contribution of \$3,500; and
- File and secure confirmation of subsequent filings to avoid this situation in the future.

The amount of the settlement offer is consistent with this Commission's action in accepting similar terms of settlement for the same violation in Docket No. 050955-TX, In Re: Compliance investigation of Cypress Communications Operating Company, LLC for apparent violation of Section 364.183(1), F.S., Access to Company Records.

III. Decision:

Therefore, we find it appropriate to accept Grande Communications Networks, Inc.'s settlement offer to voluntarily contribute \$3,500 for deposit in the General Revenue Fund within 30 days of the issuance of the Consummating Order to resolve its apparent violation of Section 364.183(1), Florida Statutes.

If GCN complies with its settlement offer, this docket shall be closed administratively. If GCN fails to remit the voluntary contribution of \$3,500 to this Commission within 30 days of the issuance of the Consummating Order, Certificate No. 7514 shall be canceled and this docket shall be closed administratively. If GCN's certificate is canceled in accordance with this Order, GCN shall be required to immediately cease and desist providing telecommunications services in Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Grande Communications Networks, Inc.'s settlement offer to voluntarily contribute \$3,500 for deposit in the General Revenue Fund within 30 days of the issuance of the Consummating Order to resolve its apparent violation of Section 364.183(1), Florida Statutes, be accepted. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business of the date set forth in the "Notice of Further Proceeding attached hereto. It is further

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ORDERED that if Grande Communications Networks, Inc. complies with its settlement offer, this docket shall be closed administratively. It is further

ORDERED that if Grande Communications Networks, Inc. fails to remit the voluntary contribution of \$3,500 to this Commission within 30 days of the issuance of the Consummating Order, Certificate No. 7514 shall be canceled and this docket shall be closed administratively. It is further

ORDERED that if Grande Communications Networks, Inc.'s certificate is canceled in accordance with this Order, GCN shall be required to immediately cease and desist providing telecommunications services in Florida.

By ORDER of the Florida Public Service Commission this 4th day of November, 2008.



ANN COLE
Commission Clerk

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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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 25, 2008.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.