

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Hayes Telecommunications Services, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

DOCKET NO. 010130-TX
ORDER NO. PSC-01-1145-AS-TX
ISSUED: May 21, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER ACCEPTING SETTLEMENT

BY THE COMMISSION:

BACKGROUND

Hayes Telecommunications Services, Inc. (Hayes or company) is an alternative local exchange company (ALEC) certificated to provide telecommunications services in the State of Florida. Hayes certification date is June 21, 1995, and its certificate was valid during the year 2000. On July 6, 2000, Hayes was mailed a certified letter requesting information necessary for inclusion in the local competition report required of this Commission pursuant to Section 364.386, Florida Statutes, with the response due by August 10, 2000. The return receipt card indicates that the certified letter was received at the company on July 7, 2000. As of January 22, 2001, Hayes had not responded to our information request, and this docket was opened to initiate a show cause proceeding against Hayes for its apparent violation of Section 364.183(1), Florida Statutes.

DOCUMENT NUMBER-DATE

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FILED-RECORDS/REPORTING

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By Order No. PSC-01-0522-SC-TX, issued March 6, 2001, we initiated a show cause proceeding. On March 26, 2001, Hayes contacted our staff. On March 27, 2001, a letter was received from Hayes proposing a settlement offer.

We are vested with jurisdiction over this matter pursuant to Sections 364.183, 364.285, 364.337, and 364.386, Florida Statutes.

SETTLEMENT

As stated above, by Order No. PSC-01-0522-SC-TX, issued March 6, 2001, Hayes was ordered to show cause in writing why it should not be fined \$10,000, or have its certificate canceled, for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. Hayes contacted our staff on March 26, 2001, seeking a resolution to the issues in this docket. On March 27, 2001, Hayes sent a response letter which included a settlement offer. In its response to Order No. PSC-01-0522-SC-TX, Hayes proposed the following settlement offer:

- A voluntary contribution of \$3,500.
- Make organizational modifications to comply with future requests and any other reporting duties that may arise.
- Future correspondence from the Commission will be handled with the utmost care.

We find that the terms of the settlement are fair and reasonable.

Based on the foregoing, we accept Hayes' settlement proposal of a \$3,500 voluntary contribution and assurance that the company will implement measures to ensure future compliance. The voluntary contribution shall be received by us within ten business days of the issuance date of this Order and should include the docket number and company name. We shall forward the contribution to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. We further find that should the company fail to pay the voluntary contribution in accordance with the terms of this Order, our staff

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shall be authorized to administratively cancel Certificate Number 4032.

This docket shall remain open pending remittance of the \$3,500 voluntary contribution. Upon our staff's verification of receipt of the voluntary contribution, or failure to pay the contribution and subsequent cancellation of Certificate Number 4032, this docket should be administratively closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Hayes Telecommunications Services, Inc.'s settlement offer of a \$3,500 voluntary contribution and assurance that the company will implement measures to ensure future compliance is hereby accepted. It is further

ORDERED that Hayes Telecommunications Services, Inc. shall remit the \$3500 voluntary contribution within ten business days of the issuance date of this Order and shall include the docket number and company name with the remittance. It is further

ORDERED that the voluntary contribution shall be forward to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should the company fail to pay the voluntary contribution in accordance with the terms of this Order, our staff shall be authorized to administratively cancel Certificate Number 4032. It is further

ORDERED that this docket shall remain open pending remittance of the \$3,500 voluntary contribution. Upon our staff's verification of receipt of the voluntary contribution, or failure to pay the contribution and subsequent cancellation of Certificate Number 4032, this docket shall be administratively closed.

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By ORDER of the Florida Public Service Commission this 21st
day of May, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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 Records and Reporting, 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

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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 Records and reporting 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.