

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Golden Harbor of Florida, Inc. d/b/a Hometown Telephone of Florida, Inc. for apparent violation of Section 364.183(1), FS, Access to Company Records.

DOCKET NO. 010131-TX
ORDER NO. PSC-01-1303-FOF-TX
ISSUED: June 15, 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 CANCELING CERTIFICATE

BY THE COMMISSION:

BACKGROUND

On September 4, 1997, Golden Harbor of Florida, Inc. d/b/a Hometown Telephone of Florida, Inc. (Hometown) obtained Florida Public Service Commission Alternative Local Exchange Telecommunications Company (ALEC) Certificate No. 5211.

On July 6, 2000, a certified letter was mailed requesting information necessary for inclusion in the 2000 local competition report required of us by Section 364.386, Florida Statutes. A response was requested by August 10, 2000. On July 10, 2000, a representative from Hometown signed for and received the certified letter, which is attached hereto and incorporated by reference as Attachment A. After receiving no response to our July 6, 2000 certified letter, we opened this docket on January 30, 2001, to initiate show cause proceedings against Hometown for apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records.

DOCUMENT NUMBER-DATE

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PSC-RECORDS REPORTING

On February 8, 2001, a recommendation was filed for the February 20, 2001 Agenda Conference. On February 14, 2001, counsel for Hometown contacted our staff seeking information about this docket and inquiring about the method for resolving issues associated with this docket. On February 15, 2001, we received a letter from counsel for Hometown requesting a deferral from the February 20, 2001, Agenda Conference. On February 16, 2001, Hometown's request for deferral of Docket No. 010131-TX, from the February 20, 2001, Agenda Conference was approved by the Chairman.

On April 10, 2001, we received a letter from counsel for Hometown in which the company stated no objection to the cancellation of its ALEC Certificate No. 5211, which is attached hereto and incorporated by reference herein as Attachment B.

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

CANCELLATION OF CERTIFICATE

As stated in the Background, on July 6, 2000, Hometown was mailed a certified letter requesting information necessary for inclusion in the local competition report required of us pursuant to Section 364.386, Florida Statutes. The return receipt card, indicating delivery of the certified letter, was signed for by a representative of Hometown on July 10, 2000. On January 30, 2001, after receiving no response to its July 6, 2000, certified letter, this docket was opened to initiate show cause proceedings against Hometown for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records.

Section 364.183(1), Florida Statutes, Access to Company Records, states:

The Commission shall have access to all records of a telecommunications company that are reasonably necessary for the disposition of matters within the Commission's jurisdiction. The Commission shall also have access to those records of a local exchange telecommunications company's affiliated companies, including its parent company, that are reasonably necessary for the disposition of any matter concerning an affiliated

transaction or a claim of anticompetitive behavior including claims of cross-subsidization and predatory pricing. The Commission may require a telecommunications company to file records, reports or other data directly related to matters within the Commission's jurisdiction in the form specified by the Commission and may require such company to retain such information for a designated period of time.

Pursuant to Section 364.285, Florida Statutes, we may impose a fine or cancel a certificate if a company is found to have refused to comply with or to have willfully violated our rules. Rule 25-24.820, Florida Administrative Code, establishes the requirements for cancellation of an alternative local exchange telecommunications company certificate. The rule provides for us to cancel a certificate on our own motion for violation of our Rules and Orders. Hometown has waived its right to object to the cancellation of its certificate, and thus, has declined to respond or contest the allegations against it in this proceeding.

Counsel for Hometown contacted us on February 14, 2001, to inquire about methods to settle this docket, and to notify us that Hometown is not offering telecommunications services in Florida, therefore serving no customers. On April 10, 2001, we received a letter from counsel for Hometown offering no objection to the cancellation of ALEC Certificate No. 5211.

Therefore, upon our own motion Hometown's ALEC Certificate No. 5211 shall be cancel for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. Hometown has waived its right to object to the cancellation of its certificate. Therefore, Certificate No. 5211 shall be canceled effective on the issuance date of this Order.

Based on the foregoing, it is

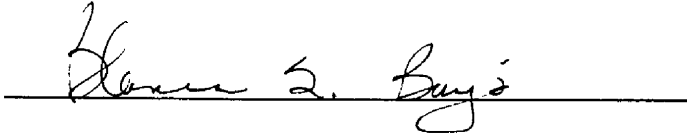
ORDERED by the Florida Public Service Commission that Golden Harbor of Florida, Inc. d/b/a Hometown Telephone of Florida, Inc.'s ALEC Certificate No. 5211 is hereby cancel for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. It is further

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ORDERED that Certificate No. 5211 shall be canceled effective on the issuance date of this Order. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 15th day of June, 2001.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

PAC

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,

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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 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.