

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Teleglobe Business Solutions Inc. (n/k/a eMeritus Communications, Inc.)
For apparent violation of Section 364.183(1), F.S., Access to Company Records.

DOCKET NO. 010136-TX
ORDER NO. PSC-01-1764-AS-TX
ISSUED: August 29, 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 APPROVING SETTLEMENT OFFER

BY THE COMMISSION:

On August 29, 1996, Teleglobe Business Solutions, Inc. (n/k/a eMeritus Communications, Inc.) obtained Florida Public Service Commission Alternative Local Exchange Company (ALEC) certificate number 4699. Our staff mailed a certified letter to Teleglobe Business Solutions, Inc. (TBS) requesting information necessary for inclusion in the 2000 local competition report required of the Commission by Section 364.386, Florida Statutes, on July 6, 2000. On July 10, 2000, the certified letter return receipt from the July 6, 2000, mailing was signed for by TBS. After receiving no response to its July 6, 2000, certified letter, our staff opened this docket to initiate show cause proceedings against TBS for apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records on January 30, 2001. Also on this date, TBS reported it had no Florida operating revenue in 2000.

On March 14, 2001, we issued Order No. PSC-01-0623-SC-TX ordering TBS to show cause why it should not be fined or have its certificate canceled for apparent violation of Section 364.183(1),

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Florida Statutes, Access to Company Records. On July 10, 2001, TBS submitted an offer of settlement. In its settlement offer, TBS explained that it was in the process of moving its headquarters when it received the Commission's data request. It further stated that its failure to provide the data was inadvertent in light of the fact that its parent company, Excel Telecommunications, Inc., provided the identical data for another Florida ALEC that it owns. To settle this docket, TBS proposed the following:

- A monetary settlement of \$3,500; and
- To take steps to ensure that all Commission correspondence is handled promptly and in a coordinated fashion.

The proposed settlement amount of \$3,500 is consistent with our approval of the settlement offered in Docket No. 000239-TI, Initiation of Show Cause Proceedings Against Atlantic.Net Broadband, Inc. for Apparent Violation of Section 364.183(1), F.S., Access to Company Records. Therefore, we believe that the terms of the settlement proposal represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer.

The contribution shall be forwarded to the Commission within thirty days from the issuance date of this Order and shall identify the docket number and company name. Upon timely receipt, the contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the this Order, certificate number 4699 should be canceled administratively. The company has agreed to waive any objection to the administrative cancellation of its certificate should it fail to pay in accordance with its settlement offer. If, however, there is a factual dispute as to the manner or level of compliance with any provision in the settlement, our staff will bring the matter to us for consideration. Upon remittance of the \$3,500 contribution or cancellation of the certificate, this docket shall be closed. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.183 and 364.285, Florida Statutes.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Teleglobe Business Solutions, Inc.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$3,500 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if Teleglobe Business Solutions, Inc. fails to pay the voluntary contribution of \$3,500 within thirty days of the issuance of this Order, Certificate No. 4699 shall be canceled administratively. It is further

ORDERED that upon receipt of the \$3,500 contribution or cancellation of the certificate, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 29th day of August, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(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 the Commission Clerk and Administrative Services, 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 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 the Commission Clerk and Administrative Services 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.