

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of DSL Internet Corp d/b/a DSLi for apparent violation of Section 364.183(1), F.S., Access to Company Records.	DOCKET NO. 050957-TX ORDER NO. PSC-06-0443-PAA-TX ISSUED: May 22, 2006
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The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

NOTICE OF PROPOSED AGENCY ACTION ORDER ACCEPTING SETTLEMENT OFFER
FOR APPARENT VIOLATION OF SECTION 364.183(1), FLORIDA STATUTES.

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 December 27, 2005, our staff opened Docket No. 050957-TX against DSL Internet Corporation d/b/a DSLi (DSLi) for its apparent violation of Section 364.183(1), F.S., Access to Company Records. On June 3 and July 19, 2005, our staff sent certified letters via the United States Postal Service (U.S.P.S.) to DSLi requesting data contained in its company records for inclusion in this Commission's annual report to the Legislature on the status of local competition in Florida (local competition report). DSLi signed the return receipt card for each certified letter, but we did not receive the company's response.

Docket No. 050957-TX was scheduled to be heard at the February 28, 2006, Agenda Conference. However, on February 24, 2006, DSLi submitted a request to defer the docket from the scheduled Agenda Conference pending settlement negotiations with our staff. DSLi's request was approved.

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 March 30, 2006, DSLi submitted an offer to settle the issue in this docket. In its letter, DSLi stated that it found its response in its database, but could find no record of its having been submitted to the Commission. DSLi proposed the following:

- A monetary offer of \$3,500.00; and
- To establish internal procedures to automate its filing and include copies of hardcopy data in its electronic files to avoid a situation of this nature arising in the future.

We find the terms of the settlement agreement as summarized in this Order are fair and reasonable. Additionally, 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. 000217-TX, In Re: Initiation of show cause proceedings against ATI Telecom, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

III. Decision:

Therefore, we find it appropriate to accept DSL Internet Corporation d/b/a DSLi's settlement offer to voluntarily contribute \$3,500 to this Commission 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 no person, whose substantial interests are affected by the proposed actions files a protest of the Commission's decision within the 21 day protest period, the Commission's Order will become final upon issuance of a Consummating Order. If the Commission's Order is not protested and DSLi complies with its settlement offer, this docket should be closed administratively. If DLSi fails to remit the voluntary contribution of \$3,500 to the Commission within 30 days of the issuance of the Consummating Order, Certificate No. 7941 should be canceled and this docket should be closed administratively.

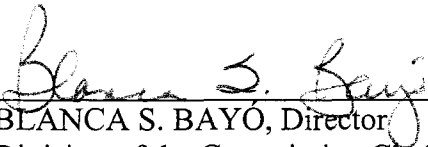
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that DSL Internet Corporation d/b/a DSLi'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 if this Order is not protested and DSLi complies with its settlement offer, this docket should be closed administratively. It is further

ORDERED that if DLSi fails to remit the voluntary contribution of \$3,500 to this Commission within 30 days of the issuance of the Consummating Order, Certificate No. 7941 should be canceled and this docket should be closed administratively.

By ORDER of the Florida Public Service Commission this 22nd day of May, 2006.



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

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 Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 12, 2006.

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.