

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 000235-TX
ORDER NO. PSC-00-1023-AS-TX
ISSUED: May 23, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER

ORDER APPROVING SETTLEMENT OFFER

BY THE COMMISSION:

On January 29, 1997, TotalTel USA Communications, Inc. (TotalTel) obtained from this Commission Alternative Local Exchange Company Certificate Number 4771. Thereafter, on June 25, 1999, our staff mailed a certified letter to TotalTel requesting information necessary for inclusion in the local competition report that we are required to submit in accordance with Section 364.386, Florida Statutes. The staff requested a response by August 6, 1999. On July 7, 1999, TotalTel signed for the certified letter. TotalTel did not, however, send the requested information.

On December 6, 1999, our staff sent a second certified letter, asking TotalTel to respond to the data request no later than December 22, 1999. When our staff did not receive a response to the second letter, this Docket was opened on February 22, 2000, to investigate whether TotalTel should be required to show cause why it should not be fined or have its certificate canceled for apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records.

On March 28, 2000, our consideration of this matter was deferred from our March 28, 2000, Agenda Conference at the company's request. Then, on April 25, 2000, TotalTel submitted an

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offer to settle this case, which is attached and incorporated herein as Attachment A to this Order.

In its settlement offer, TotalTel proposes a monetary settlement of \$3,500, and states that it understands the need to comply with our requests for information. The company states that it will comply with future requests for information in a timely manner.

Upon consideration, we find that the terms of the settlement offer are fair and reasonable. Therefore, we shall accept TotalTel's offer of settlement. The \$3,500 contribution shall be received by this Commission within ten business days from the issuance date of this Order and shall identify 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.

This docket shall remain open pending the remittance of the \$3,500 voluntary contribution. Upon remittance of the settlement payment, this docket shall be closed. If the company fails to pay in accordance with the terms of this Order, the company's certificate shall be canceled administratively, and this docket shall be closed.

It is therefore

ORDERED by the Florida Public Service Commission that the settlement offered by TotalTel USA Communications, Inc. is accepted as set forth in the body of this Order. It is further

ORDERED that TotalTel USA Communications, Inc. shall remit to this Commission the \$3,500 contribution within 10 business days from the issuance date of this Order. It is further

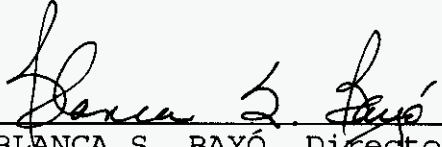
ORDERED that the contribution shall be forwarded to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. It is further

ORDERED that upon remittance of the settlement contribution, this Docket shall be closed. It is further

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ORDERED that if the company fails to pay in accordance with the terms of this Order, the company's certificate shall be canceled administratively, and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 23rd day of May, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

BK

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 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.



150 Clove Road, Little Falls, New Jersey 07424
973-785-7228 Fax: 973-237-6414 tgunning@totaltel.com

VIA FAX AND REGULAR MAIL

Thomas P. Gunning
Vice President
Secretary/Treasurer

April 25, 2000

Ms. Blanca Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 000235-TX

Dear Director Bayó,

Pursuant to this morning's telephone conference call between myself and David Benamy of TotalTel and Melinda Watts and Beth Keating, of the Florida Public Service Commission staff, please accept this letter as a revised proposal of settlement for the above referenced Docket.

We understand the need to comply with requests for information and apologize for not complying with the request which prompted this docket. Please be assured that all future requests will be complied with in a timely manner.

TotalTel would like to make a monetary settlement offer of \$3,500.00.

Please advise us, upon the decision of the Public Service Commission, so that we may forward our payment to conclude this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas P. Gunning". The signature is fluid and cursive, written over the printed name below it.

Thomas P. Gunning

TPG/csa