

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Orlando Digital Telephone Corporation for apparent violation of Section 364.183(1), F.S., Access to Company Records.

DOCKET NO. 000221-TX
ORDER NO. PSC-00-1308-AS-TX
ISSUED: July 19, 2000

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING OFFER OF SETTLEMENT

BY THE COMMISSION:

On June 25, 1999, Staff sent a certified letter to Orlando Digital Telephone Corporation (Orlando Digital) requesting information contained in company records that was necessary for inclusion in the local competition report required of the Commission by Section 364.386, Florida Statutes. Staff also requested a written response by August 6, 1999. Staff did not receive the requested information from Orlando Digital and, therefore, sent a second certified letter requesting the information to Orlando Digital on December 6, 1999, requesting a written response by December 22, 1999. This second certified letter was received by Orlando Digital and signed for by Brenda White, the company President's wife. Staff did not receive the requested information from Orlando Digital in apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. Therefore, on February 21, 2000, staff opened this docket to require Orlando Digital to show cause why it should not be fined or have its certificate canceled, pursuant to Section 364.285, Florida Statutes. Staff has still not received the requested information.

On June 28, 2000, Orlando Digital sent a settlement offer in response to Commission Order No. PSC-00-0677-SC-TX. In its settlement offer, Orlando Digital proposed the following:

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- 1) A monetary settlement of \$3,500.
- 2) To set up procedures to prevent this from reoccurring.
- 3) Twenty business days to remit the settlement.

The Commission has approved settlement offers of \$3,500 and \$4,000 from other companies that neither provided the requested information nor presented evidence of reasonable mitigating factors to account for its failure to provide the information. Therefore, staff believes the terms of the settlement agreement as summarized in this recommendation are fair and reasonable, and we support Orlando Digital's offer of settlement. Any contribution should be received by the Commission within twenty business days from the issuance date of the Commission Order and should identify the docket number and company name. The Commission should 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.

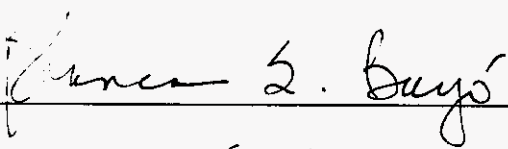
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Orlando Digital Telephone Corporation's Offer of Settlement as described in the body of this Order is approved. It is further

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

ORDER NO. PSC-00-1308-AS-TX
DOCKET NO. 000221-TX
PAGE 3

By ORDER of the Florida Public Service Commission this 19th
day of July, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 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.