

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Burno Inc. d/b/a Integra Paging for apparent violation of Section 364.183(1), F.S., Access to Company Records.

DOCKET NO. 000229-TX
ORDER NO. PSC-00-1538-AS-TX
ISSUED: August 24, 2000

The following Commissioners participated in the disposition of this matter:

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

ORDER ACCEPTING OFFER OF SETTLEMENT

BY THE COMMISSION:

Burno, Inc. d/b/a Integra Paging (Integra) is an alternative local exchange company certificated to operate in Florida pursuant. As a provider of telecommunications services in Florida, Integra is subject to our rules.

On June 25, 1999, our staff sent to Integra a certified letter requesting information necessary for inclusion in the local competition report required by Section 364.386, Florida Statutes. On July 6, 1999, Integra signed for delivery of the letter. Receiving no response, our staff sent a second certified letter on December 6, 1999, requesting a response from Integra no later than December 22, 1999, which was signed for and received. To date, Integra has not provided the information staff seeks.

Order No. PSC-00-0678-SC-TX (Order) issued on April 12, 2000, required Integra to show cause why it should be fined or have its certificate canceled for apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records.

On May 3, 2000, Integra filed its Response to the Order and on July 31, 2000, it sent a offer of settlement (Attachment "A"). In its settlement offer, Integra proposed a monetary settlement of \$3,500 and promised to implement procedures to prevent any

DOCUMENT NUMBER-DATE

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recurrence of the offense. We have 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.

Upon consideration, we find that the terms of the settlement agreement are fair and reasonable, and are, therefore, accepted. Any contribution should be received within twenty business days from the issuance date of the Order and should identify the docket number and company name. 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 (1), Florida Statutes. This docket should remain open pending the remittance of the \$3,500 settlement payment. Upon remittance of the settlement payment, this docket should be closed. If Integra fails to pay in accordance with the terms of the settlement offer, the its certificate should be canceled, and this docket closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Burno, Inc. d/b/a Integra Paging's settlement proposal is accepted. Any contribution shall be received within twenty business days from the issuance date of the Order and shall identify the docket number and company name. 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 (1), Florida Statutes. It is further

ORDERED that this docket shall remain open pending the remittance of the \$3,500 settlement payment. It is further

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

ORDERED that if Burno, Inc. d/b/a Integra Paging fails to pay in accordance with the terms of the settlement offer, its certificate shall be canceled, and this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 24th
day of August, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

DWC

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.

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GRAY, HARRIS & ROBINSON

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ATTACHMENT A
ORIGINAL

WRITER'S DIRECT DIAL

407-244-5661

E-MAIL ADDRESS

dcannon@ghrlaw.com

R. Dean Cannon, Jr.

July 19, 2000

VIA FACSIMILE;
850-413-6953

Ms. Melinda Watts
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Offer of Settlement;
Docket No. 00029-TX

010229

Dear Melinda:

This letter follows our earlier conversations regarding an offer of settlement on behalf of our client, Integra Paging. As we have previously indicated, Mr. Don Burno is the CEO of Integra Paging, and he was not aware that Integra had failed to comply with information requests by the Commission last year. Unfortunately, due to the misfeasance of one of his employees, the Commission's requests were not complied with. Mr. Burno has corrected this situation by terminating the employee who caused this situation, and has implemented procedures to insure that he will personally handle all future document requests by the Commission, and that the failure to supply the requested information will not happen again in the future.

In the interest of resolving this matter, Mr. Burno is proposing to pay \$3,500 in settlement of this matter, payment to be made within 20 days after approval of the settlement by the Commission. We hope that you will find this proposal satisfactory, but will be happy to discuss its terms if any of them need to be altered slightly.

Thank you very much for your assistance with these matters. Please let me know when this matter will be put on the agenda for consideration by the Commission.

- APP _____
- CAF _____
- CMP
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- CTR _____
- ECR _____
- LEG
- OPC _____
- PAI _____
- RGO _____
- SEC
- SEP _____
- OTH _____



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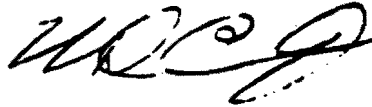
ATTACHMENT A

GRAY, HARRIS & ROBINSON
Professional Association

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With best regards, I am

Very sincerely yours,



R. Dean Cannon, Jr.

RDC/db

cc: Mr. Don Burno
Ms. Diana W. Caldwell (via facsimile)