



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

## -M-E-M-O-R-A-N-D-U-M-

RECORDS AND REPORTING  
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RECEIVED FPSC

**DATE:** MARCH 1, 2001

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAV)

**FROM:** DIVISION OF LEGAL SERVICES (ELLIOTT) *JRE*  
DIVISION OF COMPETITIVE SERVICES (K. CRAIG) *KE*

**RE:** DOCKET NO. 010133-TX - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST CRG INTERNATIONAL, INC. D/B/A NETWORK ONE FOR APPARENT VIOLATION OF SECTION 364.183(1), F.S., ACCESS TO COMPANY RECORDS.

**AGENDA:** 03/13/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\010133.RCM

### CASE BACKGROUND

- November 22, 1997 - CRG International, Inc. d/b/a Network One (Network One) obtained Florida Public Service Commission Alternative Local Exchange Company Certificate Number 4847.
- July 6, 2000 - Staff mailed a certified letter requesting information necessary for inclusion in the 2000 local competition report required of the Commission by Section 364.386, Florida Statutes. Staff requested a response by August 10, 2000.
- July 10, 2000 - Network One signed for and received the certified letter.
- January 30, 2001 - After receiving no response to its July 6, 2000 certified letter, staff opened this docket to investigate whether Network One should be required to show cause why it

DOCUMENT NUMBER-DATE

02753 MAR-10

FPSC-RECORDS/REPORTING

should not be fined \$10,000 or have its certificate canceled for apparent violation of Section 364.285(1), Florida Statutes, Access to Company Records.

- February 16, 2001 - Staff received a letter from Network One requesting deferral from the February 20, 2001 Agenda Conference and proposing a settlement offer of \$3,500 to resolve the case. (Attachment A, page 6)
- February 16, 2001 - Network One's request for deferral of Item Number 27, Docket No. 010133-TX, on the February 20, 2001 Agenda Conference was approved by the Chairman.
- February 26, 2001 - Network One amended its settlement offer to include that it waived the right of objection to administrative cancellation of its certificate in the event the settlement proposal is accepted and the company ultimately fails to comply with the terms of its offer. (Attachment B, page 7)

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.183, 364.285, and 364.337, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offer proposed by CRG International, Inc. d/b/a Network One (Network One) to resolve the apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

**RECOMMENDATION:** Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten 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. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively. **(K. Craig)**

**STAFF ANALYSIS:** Staff sent a certified letter to Network One on July 6, 2000 requesting information in company records necessary to complete the 2000 local competition report required of the Commission by Section 364.386, Florida Statutes, and requested a response from Network One by August 10, 2000. Staff received the certified return receipt card signed for July 10, 2000, but did not receive the requested information from Network One in apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. Therefore, on January 30, 2001, staff opened this docket to require Network One to show cause why it should not be fined \$10,000 or have its certificate canceled, pursuant to Section 364.285, Florida Statutes.

On February 15, 2001, Network One contacted staff to discuss the method for settlement of this case. On February 16, 2001, Network One sent a letter that included a settlement offer along with a request for deferral from the February 20, 2001 Agenda Conference (Attachment A, page 6), which was approved by the Chairman of the Commission. In an amended letter received on February 26, 2001, Network One included a waiver of objection to the administrative cancellation of the company's certificate in the event the settlement proposal is accepted and the company ultimately fails to comply with the terms of its offer (Attachment B, page 7). In its settlement offer, Network One proposed the following:

- A monetary settlement of \$3,500.

- To initiate procedures, internal to the company, to prevent an inaction such as this from happening again.

Staff believes the terms of the settlement agreement as summarized in this recommendation are fair and reasonable, and staff supports Network One's offer of settlement. Any contribution should be received by the Commission within ten 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. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively.

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**ISSUE 2**: Should this docket be closed?

**RECOMMENDATION**: No. With the approval of Issue 1, this docket should 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. **(Elliott)**

**STAFF ANALYSIS**: This docket should 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.



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DIVISION OF  
COMPETITIVE SERVICES

February 15, 2001

State of Florida  
Public Service Commission  
Attn: Mr. Walter D'Haeseleer – Director of Competitive Services  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RE: Docket 010133 TX – CRG International, Inc. d/b/a Network One

Dear Sir:

Due to our inadvertence, CRG International, Inc. d/b/a Network One did not file the information requested by the Commission on July 6, 2000.

As a result, we respectfully request that the Commission defer Docket 010133 TX. Also, because of our inaction in this matter, we would like to propose a settlement offer of \$3,500 in lieu of the \$10,000 fine already levied.

Please be assured that the necessary action has been initiated, internal to Network One, to insure that this does not occur again.

Please advise this office if the above actions are sufficient in this regard. If you have any questions or if additional information is required, please contact me at 770-980-0080 or my email which is [tomb@networkonecom.com](mailto:tomb@networkonecom.com).

Thank you.

Sincerely,

Thomas W. Brinkman – Sr. Vice President – Operations



February 15, 2001

State of Florida  
Public Service Commission  
Attn: Mr. Walter D'Haeseleer – Director of Competitive Services  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

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As a result, we respectfully request that the Commission defer Docket 010133 TX . Also, because of our inaction in this matter, we would like to propose a settlement offer of \$3,500 in lieu of the \$10,000 fine already levied. Please be assured that the necessary action has been initiated, internal to Network One to insure that this does not occur again.

Network One waives its right of objection to the administrative cancellation of its certificate in the event its offer is accepted and we fail to comply with the terms which we have offered. All other elements of Network One's previous settlement offer are reaffirmed.

Please advise this office if the above actions are sufficient in this regard. If you have any questions or if additional information is required, please contact me at 770-980-0080 or my email which is [tomb@networkonecom.com](mailto:tomb@networkonecom.com).

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas W. Brinkman".

Thomas W. Brinkman – Sr. Vice President – Operations  
CRG International, Inc. d/b/a Network One

02/15/01 11:15 AM  
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