



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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REPORTING

**DATE:** MAY 3, 2001

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

**FROM:** DIVISION OF LEGAL SERVICES (FORDHAM) *c P.F. Bick*  
DIVISION OF COMPETITIVE SERVICES (K. CRAIG) *(KC) [Signature]*

**RE:** DOCKET NO. 010128-TX - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST CITY OF Ocala FOR APPARENT VIOLATION OF SECTION 364.183(1), F.S., ACCESS TO COMPANY RECORDS.

**AGENDA:** 05/15/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\010128.RCM

### CASE BACKGROUND

- May 13, 1997 - City of Ocala (Ocala) obtained Florida Public Service Commission Alternative Local Exchange Certificate No. 4865.
  - 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 - A representative from Ocala 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 initiate show cause proceedings against Ocala for apparent violation of

APP \_\_\_\_\_  
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OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

05556 MAY-26

PROC-REC-REPT-REPORTING

Section 364.183(1), Florida Statutes, Access to Company Records.

- February 8, 2001 - Staff filed a recommendation for the February 20, 2001 Agenda Conference.
- February 13, 2001 - Ocala contacted staff seeking information about this docket and inquiring about the method for resolving issues associated with the docket.
- February 15, 2001 - Staff received a fax from Ocala requesting deferral from the February 20, 2001, Agenda Conference.
- February 16, 2001 - Ocala's request for deferral of Item Number 27, Docket No. 010128-TX, on the February 20, 2001, Agenda Conference was approved by the Chairman.
- April 13, 2001 - Staff received a settlement offer from Ocala and a check for a \$3,500 voluntary contribution to resolve the case. (Attachment A, page 5)

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.183, 364.285, 364.337, and 364.386, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offer proposed by City of Ocala (Ocala) to resolve the apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

**RECOMMENDATION:** Yes. Staff recommends that the Commission accept Ocala's settlement proposal of a \$3,500 voluntary contribution and assurance that it will implement measures to ensure future compliance. 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. **(Fordham/K. Craig)**

**STAFF ANALYSIS:** On January 30, 2001, staff opened this docket to initiate show cause proceedings against Ocala for apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. Staff filed a recommendation for the February 20, 2001, Agenda Conference. On February 16, 2001, Ocala's request for deferral from the February 20, 2001, Agenda Conference was approved by the Chairman. Staff received a settlement offer from Ocala on April 13, 2001, including a check for a \$3,500 voluntary contribution, to resolve the issues associated with this docket (Attachment A, page 5). In its settlement offer, Ocala proposed the following:

- A voluntary contribution of \$3,500.
- To change procedures for internal mail routing.
- Provide the Commission with the correct mailing address and contact.

Staff believes that the terms of the proposed settlement are fair and reasonable, and staff supports Ocala's settlement offer.

Based on the foregoing, staff recommends that the Commission accept Ocala's settlement proposal of a \$3,500 voluntary contribution and assurance that it will implement measures to ensure future compliance. 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.

DOCKET NO. 010128-TX  
DATE: MAY 3, 2001

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

**RECOMMENDATION:** Yes. If the Commission approves staff's recommendation on Issue 1, this docket should be closed. **(Fordham)**

**STAFF ANALYSIS:** If the Commission approves staff's recommendation on Issue 1, this docket should be closed.



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Ocala, FL 34470-4875  
Ph: 352 351-6600  
Fx: 352 351-8263

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DIVISION OF  
COMPETITIVE SERVICES

April 6, 2001

Walter D'Haeselleer  
Capital Circle Office Center  
2540 Sunward Oak Blvd  
Tallahassee, FL 32399-0850

Dear Mr. D'Haeselleer,

This is in reference to docket #010128-TX for the City of Ocala. We have spoken to your office, specifically Kristen Craig and Ray Kennedy and have come to a mutual settlement agreement.

We are very sorry that this has happened and have already taken steps to correct the issue by: 1) changing procedure for internal mail routing, 2) providing the FPSC with the correct mailing address and contact. Please find attached a check in the amount of \$3500.00. I understand that acceptance of this settlement will clear City of Ocala of any violation of Section 364.183(1), F. S., Access to Company Records. If you have any questions, please contact me at 352-351-6600.

Sincerely,

Dean G. Shaw  
Director  
Ocala Electric Utility

xc: Fred Bryant  
Diane McDonald  
Rich Kent  
Randy Hahn

Revised per Kristen Craig 4/5/01