

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 010128-TX
ORDER NO. PSC-01-1171-AS-TX
ISSUED: May 23, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER ACCEPTING SETTLEMENT

BY THE COMMISSION:

BACKGROUND

On May 13, 1997, we issued to the City of Ocala (Ocala) Florida Public Service Commission Alternative Local Exchange Certificate No. 4865. Our staff, on July 6, 2000, mailed a certified letter to Ocala requesting information necessary for inclusion in the 2000 local competition report required of the Commission by Section 364.386, Florida Statutes. In that letter, a response was requested by August 10, 2000. On July 10, 2000, a representative from Ocala signed for and received the certified letter.

On January 30, 2001, after receiving no response to the July 6, 2000, certified letter, this docket was opened to initiate show cause proceedings against Ocala for apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records.

On February 13, 2001, Ocala contacted us seeking information about this docket and inquiring about the method for resolving issues associated with the docket. The requested information was provided and on April 13, 2001, we received a settlement offer from

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Ocala and a check for a \$3,500 voluntary contribution to resolve the issue.

We are vested with jurisdiction over this matter pursuant to Sections 364.183, 364.285, 364.337, and 364.386, Florida Statutes.

SETTLEMENT

To resolve the issues associated with this docket, 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.

We find that the terms of the proposed settlement are fair and reasonable.

Based on the foregoing, we accept Ocala's settlement proposal of a \$3,500 voluntary contribution and assurance that the City will implement measures to ensure future compliance. The voluntary contribution shall be received by us within ten business days of the issuance date of this Order and should include the docket number and certificate holders 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. We further find that should the City fail to pay the voluntary contribution in accordance with the terms of this Order, our staff shall be authorized to administratively cancel Certificate Number 4865.

This docket shall remain open pending remittance of the \$3,500 voluntary contribution. Upon our staff's verification of receipt of the voluntary contribution, or failure to pay the contribution and subsequent cancellation of Certificate Number 4865, this docket should be administratively closed.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the City of Ocala's settlement offer of a \$3,500 voluntary contribution and assurance that the company will implement measures to ensure future compliance is hereby accepted. It is further

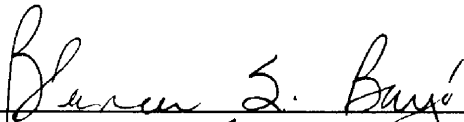
ORDERED that the City of Ocala shall remit the \$3500 voluntary contribution within ten business days of the issuance date of this Order and shall include the docket number and name of certificate holder with the remittance. It is further

ORDERED that the voluntary contribution shall be forward to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should the City fail to pay the voluntary contribution in accordance with the terms of this Order, our staff shall be authorized to administratively cancel Certificate Number 4865. It is further

ORDERED that this docket shall remain open pending remittance of the \$3,500 voluntary contribution. Upon our staff's verification of receipt of the voluntary contribution, or failure to pay the contribution and subsequent cancellation of Certificate Number 4865, this docket shall be administratively closed.

By ORDER of the Florida Public Service Commission this 23rd Day of May, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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.