

State of Florida



ORIGINAL

Public Service Commission

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

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COMMISSION  
CLERK

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

**DATE:** April 5, 2006

**TO:** Blanca S. Bayó, Commission Clerk and Administrative Services Director

**FROM:** Melinda H. Watts, Engineering Specialist III, Division of Competitive Markets & Enforcement *MHW*

**RE:** Docket No. 050948-TX - Compliance investigation of Arrow Communications, Inc. d/b/a ACI for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Please add the attached settlement proposal, dated March 20, 2006, from David B. Erwin, counsel for Arrow Communications, Inc., to the subject docket file.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**David B. Erwin**  
**Attorney At Law**

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Crawfordville, Florida 32327

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Fax 850.926.8448  
daveerwin@direcway.com

March 20, 2006

Lee Eng Tan, Attorney  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 323990850

Re: Arrow Communications, Inc. – Docket No. 050948-TA-Settlement Offer

Dear Ms. Tan:

Thank you and your staff for giving me the opportunity, on behalf of Arrow Communications, Inc., to discuss our side of the alleged violation of Section 364.183(1), F. S., "Access to Company Records."

The company failed to respond to the PSC data request, but it is our position that the company did not commit an intentional or willful violation of Florida Statutes or a Commission rule or request for information. The failure to respond was inadvertent and unintentional.

Under such circumstances, the company will not offer to pay \$3500 to settle the case. We are willing to offer a settlement that the company believes is more appropriate, in view of the inadvertent failure to respond. I am authorized by Jeff Leslie, an officer of Arrow Communications, to offer to pay the Commission \$500 and to place in escrow the amount of \$3,000, conditioned upon a timely response for next year's Commission report to the Legislature on the status of local competition in the telecommunications industry.

If the Commission will accept this offer of settlement, we will work with you to prepare an acceptable escrow agreement for the placement of money in an escrow account.

Thank you for your attention to this matter.

Sincerely,



David B. Erwin, Attorney  
for Arrow Communications, Inc.

Copy: Felicia Banks, Staff Attorney  
✓ Melinda Watts

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Attorney At Law

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