

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Telephone One Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records. | DOCKET NO. 060625-TX  
| ORDER NO. PSC-07-0026-AS-TX  
| ISSUED: January 8, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

ORDER ACCEPTING SETTLEMENT OFFER

BY THE COMMISSION:

**I. Case Background**

On September 14, 2006, our staff opened Docket No. 060625-TX against Telephone One Inc. (Telephone One) for its apparent violation of Section 364.183(1), F.S., Access to Company Records. Our staff sent three certified letters to Telephone One requesting data contained in the company's records for inclusion in this Commission's annual report to the Legislature on the status of local competition in Florida (local competition report). The first certified letter sent on May 26, 2006, was returned to our staff by the United States Postal Service marked "forward time expired." On July 20, 2006, our staff sent a second certified letter to the company. That letter was also returned to our staff; however, the United States Postal Service provided a forwarding address for the company. Our staff sent a third certified letter to the new address on August 1, 2006. Telephone One signed the return receipt for the third certified letter, but our staff never received the company's response to the data request. On June 8, 2006, and June 13, 2006, our staff also called the company and left two voicemail messages for the company's contact person listed in the Master Commission Directory. The company did not return either of our staff's phone calls.

Our staff's recommendation in Docket No. 060625-TX was presented at the October 24, 2006, Agenda Conference. At that time, this Commission voted to impose a penalty in the amount of \$10,000 against Telephone One for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. On November 8, 2006, in an effort to resolve the company's apparent violation, Telephone One submitted a proposed settlement offer to this Commission.

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

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**II. Staff Analysis:**

On November 8, 2006, our staff received a proposed settlement offer from Telephone One. According to the company, Telephone One did submit the requested information to this Commission's staff. However, our staff has no record of having received the information from the company. Telephone One was also unable to confirm that the company did indeed respond to our staff's request for data. In an effort to resolve the matter, Telephone One has offered to submit a settlement payment in the amount \$3,500.

We find the monetary amount of Telephone One's settlement is consistent with similar proposals approved by this Commission in previous dockets.

**III. Decision**

Therefore, we find it appropriate to accept Telephone One's proposed settlement offer of \$3,500 for deposit into the General Revenue Fund to resolve the apparent violation of Section 364.183(1), F. S., Access to Company Records.

We find this docket shall remain open pending the receipt of the \$3,500 settlement payment. The payment shall be made payable to the Florida Public Service Commission and shall identify the docket number and the company's name. Upon receipt of payment, the Commission shall forward the contribution to the Division of Financial Services to be deposited into the General Revenue Fund. Telephone One's settlement payment shall be received by this Commission no later than February 15, 2007. If the company fails to submit the payment, the company's Certificate No. 5806 shall be cancelled. If the company's certificate is cancelled the company shall be required to immediately cease and desist providing telecommunications services in Florida. This docket shall be closed administratively upon either the receipt of the settlement payment or upon cancellation of the company's certificate.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Telephone One Inc.'s proposed settlement offer of \$3,500 for deposit into the General Revenue Fund to resolve the apparent violation of Section 364.183(1), F. S., Access to Company Records is approved. It is further

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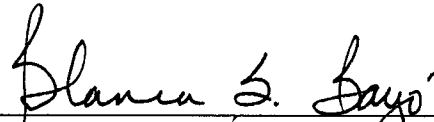
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ORDERED that if the company's certificate is cancelled in accordance with this Order, it shall be required to immediately cease and desist providing competitive local exchange telecommunications services in Florida. This docket shall be closed administratively upon either the receipt of the settlement payment or upon cancellation of the company's certificate.

By ORDER of the Florida Public Service Commission this 8th day of January, 2007.



BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

(SEAL)

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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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.