

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Baldwin
County Internet/DSSI Service, L.L.C. for
apparent violation of Section 364.183(1), F.S.,
Access to Company Records.

DOCKET NO. 060621-TX
ORDER NO. PSC-07-0192-PAA-TX
ISSUED: March 2, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN

NOTICE OF PROPOSED AGENCY ACTION
ORDER ACCEPTING SETTLEMENT OFFER

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. Case Background

On September 14, 2006, our staff opened Docket No. 060621-TX against Baldwin County Internet/DSSI Service, L.L.C. (Baldwin) for its apparent violation of Section 364.183(1), F.S., Access to Company Records. On May 26, 2006, and July 20, 2006, our staff sent certified letters to Baldwin 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). Baldwin signed the return receipt card for each certified letter that was sent. After not receiving a response, our staff made three telephone calls to the company on July 28, July 29, and August 10, 2006. Each time our staff called there was no answer.

Our staff's recommendation in Docket No. 060621-TX was presented at the October 24, 2006, Agenda Conference. Per Order No. PSC-06-0955-PAA-TX, this Commission imposed a penalty in the amount of \$10,000 against Baldwin for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. On December 19, 2006, Baldwin protested the order and submitted a proposed settlement offer. At the February 13, 2007, Agenda Conference, Kristopher Twomey, counsel for Baldwin, offered a settlement offer of \$3,500.00 on behalf of the company.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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

II. Analysis

On December 19, 2006, our staff received a proposed settlement offer from Baldwin to resolve the company's apparent violation of Section 364.183(1), F.S. The company then offered a \$3,500.00 settlement offer on February 13, 2007. The amount of the settlement offer is consistent with this Commission's action in accepting similar terms of settlement for the same apparent violation in Docket No. 000217-TX, In Re: Initiation of show cause proceedings against ATI Telecom, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records and Docket No. 050965-TX, In re: Compliance investigation of Benchmark Communications, LLC d/b/a Com One for apparent violation of Section 364.183(1), F.S., Access to Company Records.

III. Decision

Therefore, we find it appropriate to accept Baldwin County Internet/DSSI Service, L.L.C.'s proposal to voluntarily contribute \$3,500 to resolve its apparent violation of Section 364.183(1), Florida Statutes. We find that the docket shall be closed upon receipt of the \$3,500 contribution. This docket shall be closed once the Consummating Order has been issued and the settlement payment of \$3,500.00 has been forwarded to the Division of Financial Services for deposit into the General Revenue Fund. The contribution, made payable to the Florida Public Service Commission, shall be received by this Commission by April 27, 2007 and shall identify the docket number and company name. If the company fails to pay in accordance with the terms of this Order, Certificate No. 8382 shall be cancelled.

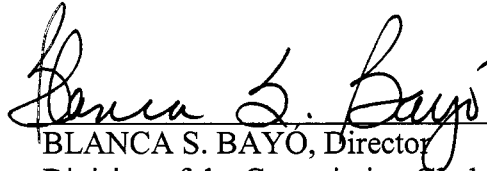
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Baldwin County Internet/DSSI Service, L.L.C.'s settlement offer of \$3,500.00 for deposit in the General Revenue Fund to resolve its apparent violation of Section 364.183(1) Florida Statutes, be accepted. It is further

ORDERED that this docket shall be closed upon receipt of the \$3,500.00 contribution. If the company fails to pay in accordance with the terms of this Order, Certificate No. 8382 shall be cancelled. The contribution, made payable to the Florida Public Service Commission, shall be received by April 27, 2007, and shall identify the docket number and company name. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto.

By ORDER of the Florida Public Service Commission this 2nd day of March, 2007.



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

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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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 23, 2007.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.