

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 110100-TX

In the Matter of:

COMPLIANCE INVESTIGATION OF
NORTH COUNTY COMMUNICATIONS
CORPORATION FOR APPARENT FAILURE
TO ACCURATELY DISCLOSE
INFORMATION ON APPLICATION.

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 6

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER RONALD A. BRISÉ
COMMISSIONER EDUARDO E. BALBIS
COMMISSIONER JULIE I. BROWN

DATE: Thursday, September 8, 2011

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: LINDA BOLES, RPR, CRR
Official FPSC Reporter
(850) 413-6734

DOCUMENT NUMBER-DATE

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FLORIDA PUBLIC SERVICE COMMISSION

FPSC-COMMISSION CLERK

P R O C E E D I N G S

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3 **CHAIRMAN GRAHAM:** That moves us to Item
4 Number 6.

5 **MS. CURRY:** Good morning. Kiwanis Curry
6 on behalf of Commission Staff.

7 Item Number 6 is a compliance
8 investigation against North County Communications
9 Corporation for its apparent failure to accurately
10 disclose information on its CLEC application. In
11 August of 2010, North County reapplied for a CLEC
12 certificate after its initial certificate was
13 canceled for failure to pay its 2009 regulatory
14 assessment fees. The application that was submitted
15 failed to disclose information regarding lawsuits
16 that the company was involved in with other
17 telecommunications entities. Staff notes that North
18 County's apparent failure to disclose pertinent
19 information on its CLEC application would be the
20 company's third violation for noncompliance of
21 Commission rules. Staff believes that North County
22 has established a pattern of noncompliance with
23 Commission rules, and therefore recommends that the
24 Commission cancel North County Communications
25 Corporation's CLEC certificate for lack of

1 managerial capability.

2 Staff is available for questions.

3 **CHAIRMAN GRAHAM:** Thank you, Staff.

4 Commissioner Balbis, did you pull this?

5 Who pulled this?

6 **COMMISSIONER BALBIS:** Yes, Mr. Chairman, I
7 believe I did pull this. I thought it was
8 anonymous, but I guess I have to admit.

9 (Laughter.)

10 I pulled this item for several reasons.
11 The first of which, it just seemed to me to be a
12 somewhat drastic step to cancel someone's
13 certificate. So I had several questions for Staff
14 during our briefings that really kind of solved the
15 problems that I had with this issue. And the
16 question for Staff is this company does not operate
17 in Florida currently; is that correct?

18 **MS. CURRY:** That's correct. The company
19 doesn't operate in Florida.

20 **COMMISSIONER BALBIS:** And if we cancel
21 this certificate, that does not prevent them from
22 reapplying with correct information.

23 **MS. CURRY:** No, it wouldn't prevent them
24 from reapplying.

25 **COMMISSIONER BALBIS:** Okay. And, again,

1 you know, any time -- canceling someone's
2 certificate and preventing them from doing business
3 in the state causes me to pause. But I think the
4 fact that they are not operating in Florida -- if
5 they do want to operate in Florida, they can put
6 forth a complete application to make Staff
7 comfortable that the information is correct and we
8 could move forward with approving that if we see
9 fit.

10 So I apologize for any delay, but I
11 thought it was important to point out to the other
12 Commissioners that -- the questions I had. And so
13 with that, I move forward -- or I would move that,
14 move Staff's recommendations on all of these issues.

15 **CHAIRMAN GRAHAM:** It's been moved and
16 seconded Staff recommendation on all these issues.

17 I have a quick question for Staff. What
18 happens after we cancel these guys to the fees that
19 are owed to the, to this Commission or to the State
20 of Florida?

21 **MS. CURRY:** Right now the company doesn't
22 owe any fees. They paid, they satisfied all of,
23 like, their prior cancellations when they got their
24 RAF canceled in 2009. Before they got the new
25 certificate they satisfied all of the fees.

1 The only other fees that would be, the
2 company would be accountable for would be the 2011
3 regulatory assessment fees. So they would still be
4 responsible for paying those fees.

5 **CHAIRMAN GRAHAM:** And how much -- do we
6 know what those fees are?

7 **MS. CURRY:** There's a minimum of \$1,000.
8 It depends on -- well, they don't have any
9 customers, so \$1,000 would be their minimum fee that
10 they would have to pay for their regulatory
11 assessment fees.

12 **CHAIRMAN GRAHAM:** And so how do we go
13 about collecting that \$1,000?

14 **MS. CURRY:** We hope that they pay. If
15 they don't pay, then it will be referred over to the
16 Department of Financial-- oh, I'm sorry. It was
17 \$600, not \$1,000. I apologize. But if they don't
18 pay the fee, then it will be referred over to the
19 Division of Financial Services for collections.

20 **CHAIRMAN GRAHAM:** Okay. Any other
21 questions, concerns?

22 All in favor, say aye.

23 (Unanimous response.)

24 Any opposed?

25 (No response.)

1 By your action, you've approved Staff
2 recommendation on Item Number 6.

3 If there's nothing else that comes before
4 us, we are adjourned. And we are going to reconvene
5 for Internal Affairs at a quarter till 11:00. So
6 that's 10:45.

7 (Agenda item concluded.)
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STATE OF FLORIDA)
: CERTIFICATE OF REPORTER
COUNTY OF LEON)

I, LINDA BOLES, RPR, CRR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 19th day of September, 2011.

Linda Boles
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FPSC Official Commission Reporter
(850) 413-6734