

State of Florida



## Public Service Commission

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

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

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**DATE:** June 8, 2006

**TO:** Director, Division of the Commission Clerk & Administrative Services (Bayó)

**FROM:** Division of Competitive Markets & Enforcement (M. Watts, Ollila)  
Office of the General Counsel (Tan, Wiggins)

**RE:** Docket No. 050956-TX – Compliance investigation of CariLink International Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

**AGENDA:** 06/20/06 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Tew

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\050956S.RCM.DOC

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### Case Background

On March 20, 2006, the Florida Public Service Commission (the Commission) issued Proposed Agency Action (PAA) Order No. PSC-06-0229-PAA-TX (the PAA Order) in Docket No. 050956-TX – Compliance investigation of CariLink International Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records, imposing a penalty of \$10,000 on CariLink International Inc. (CariLink) for its apparent violation of Florida statutes for failure to allow staff access to its company records. On March 24, 2006, CariLink protested the PAA Order, offered \$500 in settlement, and requested a formal hearing if the Commission did not accept the settlement offer. On April 21, 2006, CariLink withdrew its settlement offer and requested the matter be set for hearing. On May 30, 2006, CariLink remitted a check in the amount of \$3,500 to the Commission to settle the issue in Docket No. 050956-TX.

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The Commission is vested with jurisdiction over this matter pursuant to Sections 364.183, 364.285 and 364.386, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

**Discussion of Issues**

**Issue 1:** Should the Commission accept CariLink International Inc.'s settlement offer to voluntarily contribute \$3,500 to the Commission for deposit in the General Revenue Fund to resolve its apparent violation of Section 364.183(1), Florida Statutes?

**Recommendation:** Yes, the Commission should accept the company's settlement proposal, which includes a \$3,500 voluntary contribution to the General Revenue Fund. **(M. Watts/Ollila/Tan/Wiggins)**

**Staff Analysis:** On May 30, 2006, CariLink submitted a check in the amount of \$3,500 to settle the issue in this docket. Additionally, CariLink stated that it would train its employees to recognize and timely respond to all requests from the Commission to prevent this situation from occurring in the future. Staff believes the terms of the settlement agreement as summarized in this recommendation are fair and reasonable. Additionally, the amount of the settlement offer is consistent with the Commission's action in accepting similar terms of settlement for the same 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. Therefore, staff recommends that the Commission accept CariLink International Inc.'s settlement offer to voluntarily contribute \$3,500 to the Commission for deposit in the General Revenue Fund to resolve its apparent violation of Section 364.183(1), Florida Statutes.

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**Issue 2**: Should this docket be closed?

**Recommendation**: If the Commission accepts staff's recommendation in Issue 1, this docket should be closed. **(Tan/Wiggins)**

**Staff Analysis**: If the Commission accepts staff's recommendation in Issue 1, this docket should be closed.