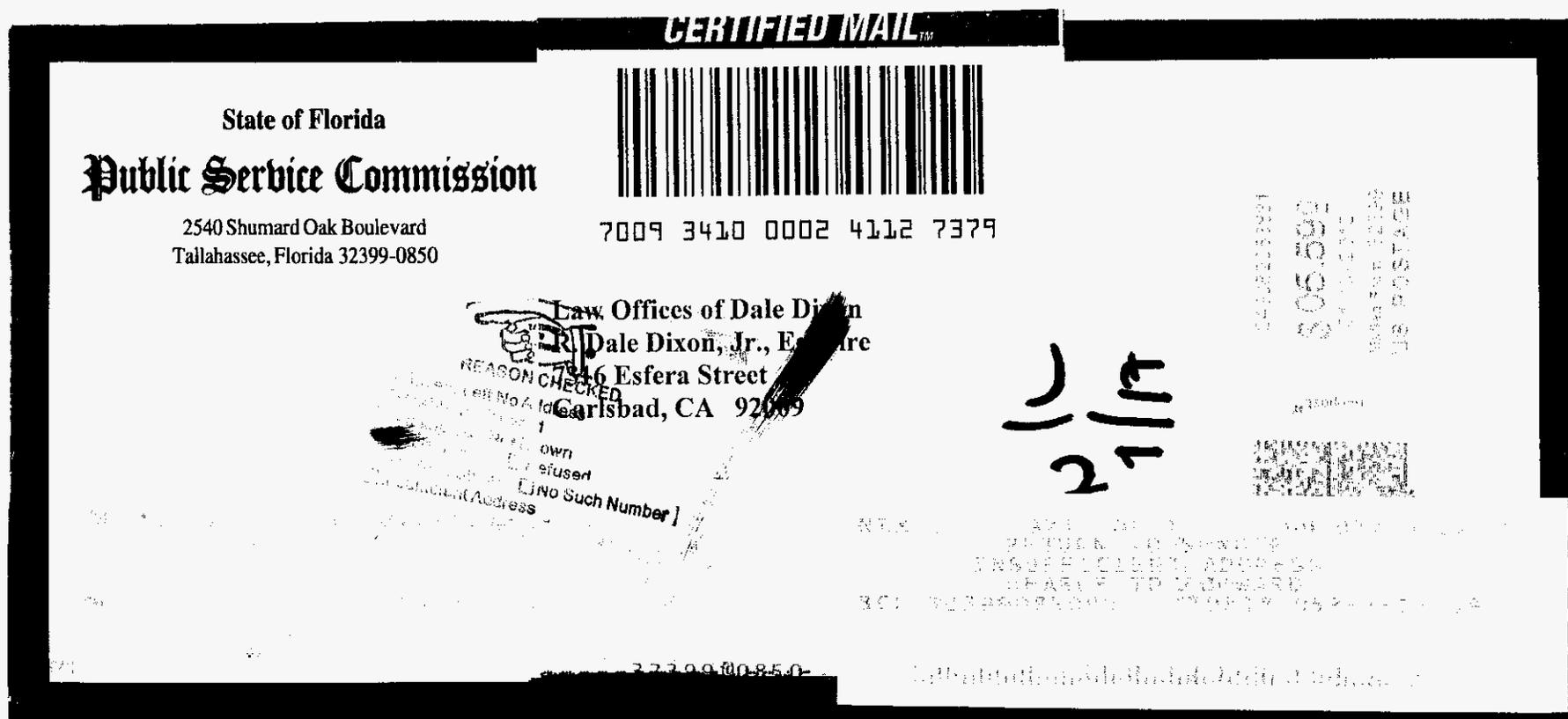


Undeliverable envelope returned from the U.S. Post Office.

Address is consistent with the Master Commission Directory or the Case Management System.



DOCUMENT NUMBER-DATE

00977 FEB 21 2017

FPSC-COMMISSION CLERK

■ Complete items 1, 2, and 3. Also complete

[Redacted]

- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the flat if space permits.

1. Article Addressed to:

Law Office of Dale Dixon
 R. Dale Dixon, Jr., Esquire
 7316 Esplanade Street
 Carlsbad, CA 92009

2. Article Number
 (Transfer from service label)

PS Form 3811, February 2004

A. Signature

[Redacted Signature]

Addressed

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

110100-TX PSC-12-0025-PAA-TX

7009 3410 0002 4112 7379

Domestic Return Receipt

102505-02-M-1540

DOCUMENT NUMBER-DATE

00977 FEB 21 2004

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of North
County Communications Corporation for
apparent failure to accurately disclose
information on application.

DOCKET NO. 110100-TX
ORDER NO. PSC-12-0025-PAA-TX
ISSUED: January 13, 2012

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING SETTLEMENT AGREEMENT

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.

Background

On August 31, 2010, North County Communications Corporation (North County) submitted an application to obtain authority to provide competitive local exchange telecommunications services in Florida. By Proposed Agency Action (PAA) Order No. PSC-10-0598-PAA-TX, issued September 30, 2010, North County was granted competitive local exchange company (CLEC) Certificate No. 8799. The Order became final and effective on October 26, 2010, upon the issuance of Consummating Order No. PSC-10-0639-CO-TX.

After the company's certificate was granted, it was determined that North County had failed to disclose information on its CLEC application. Specifically, North County did not include information regarding the states in which the company had been involved in civil court proceedings with an interexchange carrier, local exchange company, or other telecommunications entity, and the circumstances involved as required by Part 16 question F of the CLEC application. As evidence of its managerial capabilities, North County submitted a resume for a deceased employee with its CLEC application.

DOCUMENT NUMBER-DATE

00272 JAN 13 2012

FPSC-COMMISSION CLERK

Additionally, regulatory actions were taken against North County in two prior dockets for failure to pay its regulatory assessment fees (RAF).¹ Based on the company's failure to disclose information on its CLEC application and its two prior regulatory infractions, by PAA Order No. PSC-11-0405-PAA-TX, issued September 23, 2011, North County was advised that its CLEC Certificate No. 8799 would be cancelled for its failure to meet the managerial capability requirement of Section 364.335, Florida Statutes (F.S.). On October 10, 2011, North County protested the PAA Order and offered a proposed settlement to resolve the matter.

We are vested with jurisdiction over this matter pursuant to Sections 364.02, 364.33, and 364.335, F.S.²

Discussion

Section 364.335(2), F.S., provides in part that a certificate of authority to provide telecommunications services shall be granted upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served. Rule 25-24.810, F.A.C., *Application for a Certificate*, requires that an applicant for a certificate shall submit a completed Form PSC/RAD 8 (5/08) entitled "*Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida*," and the form is incorporated into the rule by reference.

As stated above, North County failed to disclose information on its CLEC application. The company resubmitted a complete CLEC application, along with the required resumes and financial statements. However, the company's failure to disclose information on its CLEC application and its two prior regulatory infractions demonstrate that North County lacks the managerial capability required by Section 364.335(2), F.S., to operate as a CLEC in Florida.

Therefore, in PAA Order No. PSC-11-0405-PAA-TX, issued September 23, 2011, North County was advised that its CLEC Certificate will be cancelled. After the PAA Order was issued, North County submitted a settlement agreement wherein the company offered to submit a one-time voluntary payment of \$2,500 to resolve the matter. The settlement agreement is attached hereto and incorporated herein. In addition to the settlement agreement, North County has retained an experienced regulatory counsel who will be responsible for ensuring that the

¹ See Docket No. 020628-TX, In Re: Cancellation by the Florida Public Service Commission of ALEC Certificate No. 7764 issued to North County Communications Corporation for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies (established to address North County's failure to pay its 2001 RAF payment). See also Docket No. 100220-TX, In Re: Compliance investigation of CLEC Certificate No. 7764, issued to North County Communications Corporation, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies (established to address North County's failure to pay its 2009 RAF payment. We ultimately cancelled North County's initial CLEC Certificate No. 7764 for failure to pay its RAF. However, the company reapplied for a certificate and was granted its current CLEC Certificate No. 8799).

² Section 364.337, F.S., was repealed effective July 1, 2011, after North County's CLEC certificate was issued. Pursuant to Section 364.33, F.S., effective July 1, 2011, we no longer issue certificates of necessity to provide CLEC services. However, existing certificates remain valid.