

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-1850

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

DATE: May 4, 2004
TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director
FROM: Beth W. Salak, Director, Division of Competitive Markets & Enforcement
Beth Keating, Attorney Supervisor, General Counsel *BK*
RE: Closure of Docket No. 040016-TI - Compliance investigation of ESS.COM, L.L.C.
for apparent violation of Section 364.02, F.S., Definitions. *ms*

On January 7, 2004, Docket No. 040016-TI was established to investigate ESS.COM, L.L.C.'s apparent violation of Section 364.02, Florida Statutes, Definitions. By Order PSC-04-0316-PAA-TI, issued March 23, 2004, the Commission voted to impose a penalty upon ESS.COM, L.L.C. in the amount of \$10,000 per apparent violation for a total of \$20,000, for two apparent violations of Section 364.02, Florida Statutes, Definitions. The Commission further ordered that the company's tariff be cancelled and Registration No. TJ410 be removed from the register if the company failed to pay the \$20,000 penalty within fourteen calendar days after the issuance of the Consummating Order. On April 20, 2004, Order PSC-04-0409-CO-TI, was issued making Order PSC-04-0316-PAA-TI, effective and final.

Fourteen days have elapsed since the issuance of the Consummating Order and the company has not submitted its payment; therefore, ESS.COM, L.L.C.'s tariff should be cancelled and Registration No. TJ410 should be removed from the register and this docket should be closed administratively.

ok to close 5/05/04 hwr
KLC/

cc: Division of Competitive Markets & Enforcement (Curry, Gilchrist)
Office of the General Counsel (McKay, Rojas)

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK