

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of North American Telecommunications Corporation for apparent violation of Section 364.183(1), F.S., Access to Company Records.

DOCKET NO. 060619-TX
ORDER NO. PSC-07-0025-PAA-TX
ISSUED: January 8, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

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.

Case Background

On September 14, 2006, our staff opened Docket No. 060619-TX against North American Telecommunications Corporation (North American Telecom) 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 North American Telecom 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). North American Telecom signed the return receipt card for each certified letter that was sent. On July 27, 2006, and July 31, 2006, after not receiving a response to the certified letters, our staff called the company and left two voicemail messages for the contact person listed in the Master Commission Directory for North American Telecom. However, that person never returned our staff's calls.

Our staff's recommendation in Docket No. 060619-TX was presented at the October 24, 2006, Agenda Conference. At that time, we voted to impose a penalty in the amount of \$10,000 against North American Telecom for its apparent violation of Section 364.183(1), Florida

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FPSC-COMMISSION CLERK

Statutes, Access to Company Records. On November 13, 2006, in an effort to resolve the company's apparent violation, North American Telecom submitted a proposed settlement offer to this Commission.

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

Analysis:

On November 13, 2006, our staff received a proposed settlement offer from North American Telecom to resolve the company's apparent violation of Section 364.183(1), F.S. According to the company, the position within the company with the responsibility of responding to this Commission's inquiries has experienced extensive turnover for several months. As a result of the turnover, the company failed to respond to our data request. The company has reassigned the duties of that position and does not anticipate having a problem with responding to this Commission in the future. To resolve the company's apparent violation, North American Telecom has offered to submit a settlement payment in the amount \$3,500 to be paid in seven equal monthly payments of \$500 each.

The monetary amount of North American Telecom's settlement is consistent with similar proposals approved by this Commission in previous dockets. We find that North American Telecom has taken the necessary actions to correct the problem which caused the company's apparent violation.

Decision:

We find it appropriate to accept the company's proposed settlement offer of \$3,500 to be paid in seven equal monthly payments of \$500 each for deposit into the General Revenue Fund to resolve the apparent violation of Section 364.183(1), F. S., Access to Company Records.

This docket shall remain open pending the receipt by this Commission of the seven monthly payments of \$500, for a total of \$3,500. The payments shall be made payable to the Florida Public Service Commission and shall identify the docket number and the company's name. Upon receipt of each payment, this Commission shall forward the contribution to the Division of Financial Services to be deposited into the General Revenue Fund. North American Telecom shall submit the first payment of \$500 no later than February 15, 2007. Each subsequent payment shall be due on the 15th day of each month thereafter until the balance is paid in full. If the 15th of a given month is on a weekend or holiday, the payment shall be due on the next business day. If the company fails to submit one of its payments, the company's Certificate No. 7864 shall be cancelled. If the company's certificate is cancelled the company shall be required to immediately cease and desist providing telecommunications services in Florida. This docket shall be closed administratively if North American Telecom timely submits all payments and pays the \$3,500 settlement in full or upon the cancellation of the company's certificate.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that North American Telecommunications Corporation's proposed settlement offer of \$3,500 to be paid in seven equal monthly payments of \$500 each for deposit into the General Revenue Fund to resolve the apparent violation of Section 364.183(1), F. S., Access to Company Records is approved. It is further

ORDERED that the payments shall be made payable to the Florida Public Service Commission and shall identify the docket number and the company's name. Upon receipt of each payment, this Commission shall forward the contribution to the Division of Financial Services to be deposited into the General Revenue Fund. North American Telecom shall submit the first payment of \$500 no later than February 15, 2007. Each subsequent payment shall be due on the 15th day of each month thereafter until the balance is paid in full. If the 15th of a given month is on a weekend or holiday, the payment shall be due on the next business day. It is further

ORDERED that that this docket shall remain open pending the receipt by this Commission of the seven monthly payments of \$500, for a total of \$3,500. If North American Telecommunications Corporation fails to submit one of its payments, the company's Certificate No. 7864 shall be cancelled. If the company's certificate is cancelled the company shall be required to immediately cease and desist providing telecommunications services in Florida. This docket shall be closed administratively if North American Telecommunications Corporation timely submits all payments and pays the \$3,500 settlement in full or upon the cancellation of the company's certificate. 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 8th day of January, 2007.

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

By: *Marcia Sharma*
Marcia Sharma, Assistant Director
Division of the Commission Clerk
and Administrative Services

(SEAL)

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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

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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 January 29, 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.