



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-

DATE: DECEMBER 5, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE SERVICES (FONDO/ M.WATTS) ^{AT} *MTA*
DIVISION OF LEGAL SERVICES (L.FORDHAM) *c.f.f. BK. by c.f.f.* *MD*

RE: COMPLIANCE INVESTIGATION FOR APPARENT VIOLATION OF SECTION
364.183(1), F.S., ACCESS TO COMPANY RECORDS.

- DOCKET NO. 011444-TX - DIALTEK, LLC D/B/A DTK
TELECOMMUNICATIONS, LLC
- DOCKET NO. 011446-TX - DLC ENTERPRISES, INC. D/B/A
DIRECT LINK COMMUNICATIONS, INC.
- DOCKET NO. 011447-TX - EASY PHONE, INC. D/B/A EASY TEL,
INC.
- DOCKET NO. 011448-TX - EASYCOMM CORPORATION
- DOCKET NO. 011449-TX - EDGE CONNECTIONS, INC.
- DOCKET NO. 011469-TX - ELECTRONET INTERMEDIA CONSULTING,
INC.
- DOCKET NO. 011470-TX - ELECTRONIC TECHNICAL SERVICES
- DOCKET NO. 011471-TX - ET TELEPHONE, INC.
- DOCKET NO. 011472-TX - EUREKA TELECOM, L.L.C.

AGENDA: 12/17/2001 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CAF\WP\011444.RCM

DOCKET NOS. 011444-TX, 011446-TX,
011447-TX, 011448-TX, 011449-TX,
011469-TX, 011470-TX,
011471-TX, 011472-TX
DATE: DECEMBER 5, 2001

CASE BACKGROUND

- July 6, 2001 - Staff mailed a certified letter, return receipt requested, to each of the certificated Alternative Local Exchange Company (ALEC) providers listed in Attachment A. Staff's letter requested information necessary for inclusion in the local competition report required of the Commission by Section 364.386, Florida Statutes, Reports to the Legislature. Staff's letter emphasized that responses were due no later than August 17, 2001, and that failure to respond could result in the Commission assessing penalties pursuant to Section 364.285(1), Florida Statutes.
- July 6-11, 2001 - The certified letter return receipts (Attachment B) from the July 6, 2001, mailings were signed by each of the companies listed in Attachment A.
- November 14, 2001 - Staff received a response from Easy Phone, Inc. d/b/a Easy Tel Inc. to the 2001 ALEC Data Request. The company's response was received after the Docket No. 011447-TX was opened on November 1, 2001.

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.

DOCKET NOS. 011444-TX, 011446-TX,
011447-TX, 011448-TX, 011449-TX,
011469-TX, 011470-TX,
011471-TX, 011472-TX
DATE: DECEMBER 5, 2001

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively. (FONDO/M.WATTS/L.FORDHAM)

STAFF ANALYSIS: Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules or statutes. Section 364.183(1), Florida Statutes, Access to Company Records, states:

364.183 Access to company records. --

(1) The commission shall have access to all records of a telecommunications company that are reasonably necessary for the disposition of matters within the commission's jurisdiction. The commission shall also have access to those records of a local exchange telecommunications company's affiliated companies, including its parent company, that are reasonably necessary for the disposition of any matter concerning an affiliated transaction or a claim of anticompetitive behavior including claims of cross-subsidization and predatory pricing. The commission may require a telecommunications company to file records, reports or other data directly related to matters within the commission's jurisdiction in the form specified by the

DOCKET NOS. 011444-TX, 011446-TX,
011447-TX, 011448-TX, 011449-TX,
011469-TX, 011470-TX,
011471-TX, 011472-TX
DATE: DECEMBER 5, 2001

commission and may require such company to retain such information for a designated period of time. Upon request of the company or other person, any records received by the commission which are claimed by the company or other person to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Based on the certified letter return receipts (Attachment B) staff received from the United States Postal Service, it appears that each of the companies listed in Attachment A received the data request and could have responded by the August 17, 2001 deadline established in the July 6, 2001 correspondence. It is imperative that the Commission receive 100% participation to accurately reflect the status of local telecommunications competition to the Legislature. Staff requested the information in order to comply with Section 364.386, Florida Statutes, Reports to the Legislature, which states in part:

364.386 Reports to the Legislature. --

(1) The commission shall submit to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives, on December 1, 1996, and on an annual basis thereafter, a report on the status of competition in the telecommunications industry and a detailed exposition of the following:

(a) The overall impact of local exchange telecommunications competition on the continued availability of universal service.

(b) The ability of competitive providers to make functionally equivalent local exchange services available to both residential and business customers at competitive rates, terms, and conditions.

(c) The ability of consumers to obtain functionally equivalent services at comparable rates, terms, and conditions.

(d) The overall impact of price regulation on the maintenance of reasonably affordable and reliable high-quality telecommunications services.

DOCKET NOS. 011444-TX, 011446-TX,
011447-TX, 011448-TX, 011449-TX,
011469-TX, 011470-TX,
011471-TX, 011472-TX
DATE: DECEMBER 5, 2001

(e) What additional services, if any, should be included in the definition of basic local telecommunications services, taking into account advances in technology and market demand.

(f) Any other information and recommendations which may be in the public interest.

By Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364. Utilities are charged with knowledge of the Commission's rules and statutes. Additionally, "it is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833).

Staff believes that the conduct of each of the companies listed in Attachment A, by not timely providing staff access to company records, in apparent violation of Section 364.183(1), Florida Statutes, has been "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL, In re: Investigation Into The Proper Application of Rule 25-14.003, F.A.C., Relating to Tax Savings Refund for 1988 and 1989 for GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as the conduct of each of the companies listed in Attachment A at issue here, would meet the standard for a "willful violation."

The companies listed in Attachment A did not respond to staff's request for information by the August 17, 2001, deadline established in staff's July 6, 2001, correspondence. In Docket No. 011447-TX, Easy Phone, Inc. d/b/a Easy Tel, Inc. did provide a response on November 14, 2001, however, the response was untimely. All companies listed in Attachment A have been certificated in Florida since at least December 11, 2000. Some of the companies

DOCKET NOS. 011444-TX, 011446-TX,
011447-TX, 011448-TX, 011449-TX,
011469-TX, 011470-TX,
011471-TX, 011472-TX
DATE: DECEMBER 5, 2001

have not reported any revenues and are apparently not providing telecommunications services in Florida. Nevertheless, they are still subject to the Commission's rules and Florida Statutes governing Alternative Local Exchange Companies.

Therefore, staff recommends that the Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.

DOCKET NOS. 011444-TX, 011446-TX,
011447-TX, 011448-TX, 011449-TX,
011469-TX, 011470-TX,
011471-TX, 011472-TX
DATE: DECEMBER 5, 2001

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final. (L.FORDHAM)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a Proposed Agency Action Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of the issuance of the Order, these dockets should be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DOCKET NOS. 011444-TX, 011446-TX,
 011447-TX, 011448-TX, 011449-TX,
 011469-TX, 011470-TX,
 011471-TX, 011472-TX
 DATE: DECEMBER 5, 2001

ATTACHMENT A

Docket No.	Company	Code	Certificate No.	Certification Date	Reported Revenue 2000
011444-TX	DialTek, LLC d/b/a DTK Telecommunications, LLC	TX323	7209	11/12/99	\$0.00
011446-TX	DLC Enterprises, Inc. d/b/a Direct Link Communications, Inc.	TX516	7647	12/11/00	\$0.00
011447-TX	Easy Phone, Inc. d/b/a Easy Tel, Inc.	TX057	4769	1/08/97	\$0.00
011448-TX	EasyComm Corporation	TX226	5706	10/13/98	\$0.00
011449-TX	Edge Connections, Inc.	TX478	7579	10/19/00	\$0.00
011469-TX	ElectroNet Intermedia Consulting, Inc.	TX160	5296	1/13/98	\$299,888.41
011470-TX	Electronic Technical Services (E.T.S.)	TX135	5472	12/17/97	\$0.00
011471-TX	ET Telephone, Inc.	TX423	7429	5/30/00	\$0.00
011472-TX	Eureka Telecom, L.L.C.	TX508	7653	12/11/00	\$0.00

DOCKET NOS. 011444-TX, 011446-TX,
 011447-TX, 011448-TX, 011449-TX,
 011469-TX, 011470-TX,
 011471-TX, 011472-TX
 DATE: DECEMBER 5, 2001

ATTACHMENT B

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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 front if space permits. 		<p>A. Received by (Please Print Clearly) <u>HONG</u> B. Date of Delivery <u>JUL 10 2001</u></p>	
<p>1. Article Addressed to: <u>D.K.K.</u> K Telecommunications, LLC K323 10 5th Avenue, #179 Seattle, WA 98104-3176</p>		<p>C. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>2. Article Number (Copy from service label) <u>7000 11670 0012 8041 7550</u></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, July 1999</p>		<p>Domestic Return Receipt 102595-00-M-0952</p>	

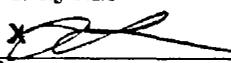
Tx323

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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 front if space permits. 		<p>A. Received by (Please Print Clearly) <u>ISABEL MERRIN</u> B. Date of Delivery <u>07-10-01</u></p>	
<p>1. Article Addressed to: Direct Link Communications, Inc. TX516 5071 Broadway, 2nd Floor New York, NY 10034-1131</p>		<p>C. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>2. Article Number (Copy from service label) <u>7000 11670 0012 8041 7550</u></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchar. <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS</p>		<p>102595-00-M-09</p>	

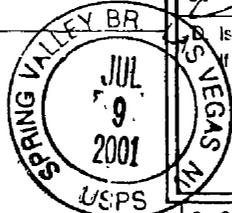
Tx516

DOCKET NOS. 011444-TX, 011446-TX,
 011447-TX, 011448-TX, 011449-TX,
 011469-TX, 011470-TX,
 011471-TX, 011472-TX
 DATE: DECEMBER 5, 2001

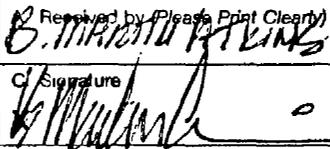
ATTACHMENT B

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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 front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature 	
1. Article Addressed to: Easy Tel, Inc. TX057 106 West Sahara Avenue, Suite B Las Vegas, NV 89117-1973	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	2. Article Number (Copy from service label) 7000 1670 0012 8641 7482	

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952



TX057

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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 front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature 	
1. Article Addressed to: Easy EasyComm Corporation X226 P.O. Box 4363 West Palm Beach, FL 33402-4363	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	2. Article Number (Copy from service label) 7000 1670 0012 8641 7468	

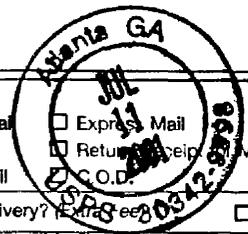
PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

TX 226

DOCKET NOS. 011444-TX, 011446-TX,
 011447-TX, 011448-TX, 011449-TX,
 011469-TX, 011470-TX,
 011471-TX, 011472-TX
 DATE: DECEMBER 5, 2001

ATTACHMENT B

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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 front if space permits. 	A. Received by (Please Print Clearly) <i>W. Jackson</i>	B. Date of Delivery
1. Article Addressed to: Edge Connections, Inc. TX478 1100 Johnson Ferry Road, Suite 400 Atlanta, GA 30342-1743	C. Signature <i>W. Jackson</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
	D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail	<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes
2. Article Number (Copy from service label) 7000 1670 0012 8641 7444		
PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952		



TX478

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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 front if space permits. 	A. Received by (Please Print Clearly) <i>Shauna Lea Johnson</i>	B. Date of Delivery <i>7-6-01</i>
1. Article Addressed to: ElectroNet Intermedia Consulting, Inc. TX160 3411 Capital Medical Blvd. Tallahassee, FL 32308-4425	C. Signature <i>Shauna Lea Johnson</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
	D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail	<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes
2. Article Number (Copy from service label) 7000 1670 0012 8641 7420		
PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952		

TX160

DOCKET NOS. 011444-TX, 011446-TX,
 011447-TX, 011448-TX, 011449-TX,
 011469-TX, 011470-TX,
 011471-TX, 011472-TX
 DATE: DECEMBER 5, 2001

ATTACHMENT B

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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 front if space permits. 		A. Received by (Please Print Clearly) B. Date of Delivery _____ 12-7-01	
1. Article Addressed to: <u>Electronic</u> Electronic Technical Services (E.T.S.) TX 135 48 North Beal Parkway Walton Beach, FL 32547-3508		C. Signature X <u>T. Jimmy Coombs</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label) 7000 1670 0012 8641 7413			

TX 135

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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 front if space permits. 		A. Received by (Please Print Clearly) B. Date of Delivery <u>ROANNE HAWD</u> _____	
1. Article Addressed to: <u>ET</u> Telephone, Inc. TX 423 3 West Park Row Drive Arlington, TX 76013-2257		C. Signature X <u>Roanne Hawd</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label) 7000 1670 0012 8641 7345			

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

DOCKET NOS. 011444-TX, 011446-TX,
 011447-TX, 011448-TX, 011449-TX,
 011469-TX, 011470-TX,
 011471-TX, 011472-TX
 DATE: DECEMBER 5, 2001

ATTACHMENT B

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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 front if space permits. 	A. Received by (Please Print Clearly) <u>Reena Rajan 3/9</u>	B. Date of Delivery <u>3/9</u>
1. Article Addressed to: Eureka Telecom, L.L.C. TX508 270 Madison Avenue, 6th Floor New York, NY 10016-0601	C. Signature x <u>Reena Rajan</u>	
<p style="text-align: right; font-size: 2em; font-family: cursive;">TX508</p>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. AI <u>7</u> PS F	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

102595-00-M-0952

ADORNO & ZEDER

A PROFESSIONAL ASSOCIATION

2601 SOUTH BAYSHORE DRIVE
SUITE 1600

MIAMI, FLORIDA 33133
TELEPHONE (305) 858-5555
FACSIMILE (305) 858-4777
www.adorno.com

RECEIVED-PPSC

01 NOV 27 PH 1:01

COMMISSION
CLERK

WESLEY R. PARSONS

September 21, 2001

WRITER'S DIRECT NO.:

(305) 860-7065

Federal Express

Clerk of Court
United States District Court
Northern District of Florida
111 N. Adams Street
Tallahassee, FL 32301

991267-TP

Bellsouth Telecommunications, Inc. v. Global Naps, Inc., et al.
Case No. 4:00-CV-353-RH

Dear Clerk:

I represent plaintiff, Bellsouth Telecommunications, Inc.

Enclosed is an original notice of settlement, along with an extra copy, and a copy to be file-stamped and returned. Also enclosed is a proposed order on the notice, with copies and stamped, addressed envelopes to counsel of record.

Sincerely,



Wesley R. Parsons

WRP/imr
Enclosure

- cc: Sean Lev
- Nancy White
- E. Earl Edenfield
- Jon C. Moyle, Jr.
- Christopher W. Savage
- ✓ Martha Carter Brown

WRP/L.LTRCOV/390231/008037.0084

- APP
- CAF
- CMP
- COM
- CTR
- ECR
- LEG
- DPC
- PAI
- RGD
- SEC
- BER
- OTH

RECEIVED
01 SEP 24 AM 10:59
FLORIDA 15th JUDGE COURT
DIVISION OF APPELLATE

DOCUMENT NUMBER-DATE

14954 NOV 27 01

FORT LAUDERDALE

WEST PALM BEACH
PPSC-COMMISSIONER CLERK

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

BellSouth Telecommunications, Inc.,

Plaintiff,

v.

Civil Action No. 4:00-CV-353-RH

Global NAPS, Inc., et al.,

Defendants.

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE that the parties in this matter have settled this case and plaintiff requests that the Court enter an Order dismissing this case with prejudice.

Respectfully submitted this 21 day of September, 2001.

ADORNO & ZEDER, P.A.


Wesley R. Parsons
Florida Bar No. 539414
2601 South Bayshore Drive, Suite 1600
Miami, Florida 33133
Tel. (305) 858-5555
Fax (305) 858-4777

Sean Lev
Kellogg, Huber, Hansen, Todd
& Evans, P.L.L.C.
1615 M Street, Suite 400
Washington, D.C. 20036
Tel. (202) 326-7900
Fax (202) 326-7999

Attorneys for BellSouth

DOCUMENT NUMBER-DATE

14954 NOV 27 01

RECEIVED
01 SEP 24 AM 10:59
FLORIDA 13TH CIRCUIT COURT
DIVISION OF APPEALS

CERTIFICATE OF SERVICE

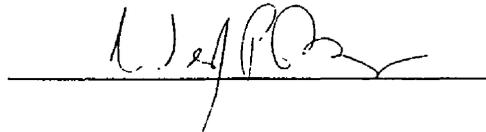
I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 21 day of September, 2001 upon:

Jon C. Moyle, Jr.
Cathy M. Sellers, Esq.
Moyle Flanigan Katz Kolins
Raymond & Sheehan, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301

Martha Carter Brown
Senior Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Christopher W. Savage
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006



UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

BellSouth Telecommunications, Inc.,

Plaintiff,

v.

Civil Action No. 4:00-CV-353-RH

Global NAPS, Inc., et al.,

Defendants.

FINAL ORDER OF DISMISSAL WITH PREJUDICE

THIS CAUSE having come before the Court for consideration upon the Notice of Settlement filed by plaintiff, it is

ORDERED and ADJUDGED that this action is hereby dismissed with prejudice.

DONE and ORDERED in Chambers, at Tallahassee, Florida, this ____ day of

_____, 2001.

Robert L. Hinkle
United States District Judge

cc: Sean Lev
Wesley Parsons
Jon C. Moyle, Jr
Christopher W. Savage
Martha Carter Brown

RECEIVED
01 SEP 24 AM 11:00
FLORIDA JUDICIAL SERVICES CENTER
DIVISION OF REPLEAS

STEEL ■
HECTOR
■ DAVISSM

Steel Hector & Davis LLP
200 South Biscayne Boulevard
Miami, Florida 33131-2398
305.577.7000
305.577.7001 Fax
www.steelhector.com

Gabriel E. Nieto
305.577.7083
gnieto@steelhector.com

November 28, 2001

VIA FEDERAL EXPRESS

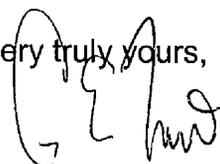
Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, FL 32399-0850

Re: DOCKET NO. 001148-EI

Dear Ms. Bayó:

Enclosed are the confidential documents associated with FPL's Notice of Intent to Seek Confidential Classification, filed November 19, 2001. A copy of that notice is attached for your convenience. FPL will file a request for confidential classification and motion for protective order within the applicable time limitations. However, Commission Staff has asked that in the interim FPL file the highlighted and redacted copies that would accompany that motion. Accordingly, two redacted copies of the confidential material to which the Notice of Intent applies are enclosed. An unredacted set of the same documents with the confidential information highlighted is enclosed in an envelope marked CONFIDENTIAL.

Very truly yours,



Gabriel E. Nieto

GEN/ps
Enclosures

This docketed notice of intent was filed with Confidential Document No. 15004-01. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

DOCUMENT NUMBER - DATE

15003 NOV 29 01

RECORDS SECTION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of)	Docket No. 001148-EI
Florida Power & Light)	Dated: November 19, 2001
Company.)	
_____)	

FLORIDA POWER & LIGHT COMPANY'S NOTICE OF INTENT TO SEEK CONFIDENTIAL CLASSIFICATION

Pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby files this Notice of Intent to Seek Confidential Classification of certain information documents and information responsive to Staff's Fifth Request for Production of Documents ("Staff's Requests"), and states:

Staff's Requests Nos. 17 and 22 seek discovery of confidential, proprietary business information of FPL. (A copy of Staff's Requests is attached.) Accordingly FPL hereby gives notice of its intent to seek confidential classification with respect to its responses pursuant to Rule 25-22.006(3)(a), Florida Administrative Code.

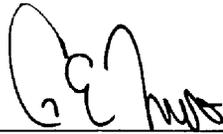
Contemporaneously herewith, FPL is submitting its response to Staff's Fifth Request for Production of Documents.

DOCUMENT NUMBER-DATE
15003 NOV 29 2001
FPSC-COMM-FISSION CI FRM

Respectfully submitted this 19th day of November 2001.

R. Wade Litchfield, Esq.
Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

Steel Hector & Davis LLP
Attorneys for Florida Power & Light
Company
200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398
Telephone: 305-577-2939

By: 

Gabriel E. Nieto
Florida Bar No. 147559

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile(*) or United States Mail this 19th day of November, 2001, to the following:

Robert V. Elias, Esq.*
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group
c/o John McWhirter, Jr., Esq.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33601-3350

Thomas A. Cloud, Esq.
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801

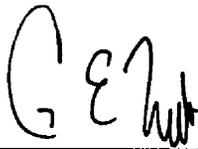
J. Roger Howe, Esq.
Office of Public Counsel
c/o Florida Legislature
111 W. Madison Street
Room No. 812
Tallahassee, Florida 32399-1400

Michael B. Twomey, Esq.
Post Office Box 5256
Tallahassee, FL 32314-5256

Andrews & Kurth Law Firm
Mark Sundback/Kenneth Wiseman
1701 Pennsylvania Ave., NW, Suite 300
Washington, DC 20006

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
McWhirter Reeves
117 South Gadsden
Tallahassee, Florida 32301

Ronald C. LaFace, Esq.
Seann M. Frazier, Esq.
Greenberg Traurig, P.A.
101 East College Avenue
Post Office Drawer 1838
Tallahassee, Florida 32302

By: 
Gabriel E. Nieto

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power & Light Company's proposed merger with Entergy Corporation, the formation of a Florida transmission company ("Florida transco"), and their effect on FPL's retail rates.

DOCKET NO. 001148-EI

FILED: OCTOBER 15, 2001

RECEIVED

OCT 16 2001

U.S. Mail
STEEL HECTOR & DAVIS

STAFF'S FIFTH REQUEST FOR PRODUCTION OF
DOCUMENTS TO FLORIDA POWER & LIGHT COMPANY (NOS. 17 - 22)

Pursuant to Rule 25-22.034, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, the Staff of the Florida Public Service Commission, by and through its undersigned attorney, hereby serves the following Request for Production of Documents upon Florida Power & Light Company ("FPL").

Please produce the following documents at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Gerald L. Gunter Building, Tallahassee, Florida 32399-0850, no later than thirty days after service of this request for the purpose of inspection and copying:

DEFINITION

As used herein, the word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter,

memorandum, telegram, report, study, interoffice or intraoffice memorandum, memorandum reflecting an oral communication, handwritten or other notes, working paper, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

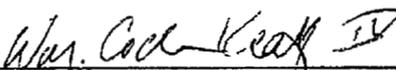
DOCUMENTS REQUESTED

17. Please provide all reports or reviews for FPL and FPL Group, Inc., prepared by or for investment banking firms since January 1, 2000.
18. Please provide all reports or analyses for FPL and FPL Group, Inc., prepared by or for Standard & Poor's since January 1, 2000.
19. Please provide all documentation from Standard & Poor's which recommends FPL maintain an actual equity ratio above a particular level (or actual debt ratio below a particular level) in order to maintain the utility's AA- credit rating.

20. Please provide all reports or analyses for FPL and FPL Group, Inc., prepared by or for Moody's Investor Services since January 1, 2000.

21. Please provide all documentation from Moody's Investor Services which recommends FPL maintain an actual equity ratio above a particular level (or actual debt ratio below a particular level) in order to maintain the utility's Aa3 credit rating.

22. Please provide all reports, reviews, and analyses prepared by or for FPL and FPL Group, Inc., since January 1, 1999, on the subject of equity ratio, debt ratio, capital structure, cost of capital, return on equity, or cost of debt.



WM. COCHRAN KEATING IV
Staff Counsel
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6193

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power & Light Company's proposed merger with Entergy Corporation, the formation of a Florida transmission company ("Florida transco"), and their effect on FPL's retail rates.

DOCKET NO. 001148-EI

FILED: OCTOBER 15, 2001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of STAFF'S FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS TO FLORIDA POWER & LIGHT COMPANY (NOS. 17-22) has been served by U. S. Mail to Matthew M. Childs, Steel, Hector & Davis, 215 South Monroe Street, Suite 601, Tallahassee, Florida, 32301-1804, on behalf of Florida Power & Light Company, and that a true and correct copy thereof has been furnished to the following by U. S. Mail this 15th day of October 2001:

Andrews & Kurth Law Firm
Mark Sundback/Kenneth Wiseman
1701 Pennsylvania Ave, N.W.
Suite 300
Washington, D. C. 20006

Office of Public Counsel
J. Roger Howe/Jack Shreve
111 West Madison Street, #812
Tallahassee, FL 32399

Florida Industrial Power Users
Group
c/o John McWhirter
400 North Tampa St., Suite 2450
Tampa, FL 33601-3350

McWhirter Reeves Law Firm
Vicki Kaufman/Joe McGlothlin
117 South Gadsden Street
Tallahassee, FL 32301

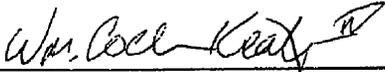
CERTIFICATE OF SERVICE
DOCKET NO. 001148-EI
PAGE 2

Dynegy, Inc.
David L. Cruthirds
1000 Louisiana Street
Suite 5800
Houston, TX 77002-5050

Gray, Harris & Robinson, P.A.
Thomas A. Cloud/W. C. Browder
P. O. Box 3068
Orlando, FL 32802-3068

Florida Power & Light Company
Mr. Bill Walker
215 S. Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Michael Twomey, Esquire
P. O. Box 5256
Tallahassee, FL 32314-5256


WM. COCHRAN KEATING IV
Staff Counsel
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6193