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# Public Service Commission

October 5, 2011

VIA CERTIFIED MAIL

Michelle Studstill, Esq.  
Law Office of Michelle Pruitt Studstill, P.A.  
3684 North Wickham Road, Suite B  
Melbourne, Florida 32935

**Re: Docket No. 110082-TP, Show Cause Proceedings against ATMS Companies  
Notice of Violation of Settlement Agreement and Violation Assessment**

Dear Ms. Studstill:

As discussed during our September 28, 2011 conference call, staff is deeply concerned about Associated Telecommunications Management Services' (ATMS) failure to respond to the August 19, 2011 Staff Data Request (SDR) to American Dial Tone (ADT), one of the ATMS companies. This SDR asked about the provision of Lifeline services, and was sent to all Eligible Telecommunications Carriers (ETCs) within the State of Florida, with responses due September 19, 2011. Following ADT's September 18, 2011 email inquiring whether ADT was required to respond to the SDR, and staff's confirmation that a response was required, ADT committed to sending the report via FedEx for receipt on Friday, September 30, 2011. On that date, however, staff was notified that the response would not be FedEx'ed, but rather would be sent via email by the close of business. As of Wednesday, October 05, 2011, staff has still not received the response by mail or electronically, nor had staff been informed that there would be any further delay.

The Framework for Settlement (Settlement Agreement) approved by the Commission in Order No. PSC-11-0259-AS-TP, on Page 3 under the section "Commission Requests," states: "[t]he Companies will respond accurately and within a reasonable time to all Commission data requests within the Commission's Jurisdiction." Furthermore, Page 1 of Attachment 1 to the Settlement Agreement lists an assessment of \$25,000 for a 1<sup>st</sup> violation for "[f]ailure to comply with the provision of access to records, pursuant to Section 364.183(1), Florida Statutes." As staff advised you prior to and on the September 28, 2011 conference call, staff believes ATMS' failure to respond to the SDR in a timely manner is a violation of both Florida Statutes and Commission rules.

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Michelle Studstill

Page 2

October 5, 2011

Settlement Agreement clearly contemplates a process where ATMS will take corrective action of any violations of Commission rules or regulations upon notification of a violation by staff. At this time, ATMS has failed to take any corrective action of this violation, such as by providing a response to the SDR in the agreed upon timeframe. In addition to corrective action, however, the Settlement Agreement also requires that ATMS automatically pay the appropriate assessment listed in Attachment 1.

By this letter, staff is notifying Associated Telecommunications Management Services that a violation of the terms of the Framework for Settlement has occurred, for which corrective action has not been taken. In addition to corrective action within fourteen (14) days, an automatic Assessment of \$25,000 for failure to provide access to records is due. Please remit payment of this assessment within fourteen (14) days of receipt of this notification. The check shall be made out to "State of Florida" and may be sent to David Brown in the Financial Services section of the Commission's Division of Administrative Services. Thank you for your time and attention to this matter.

Sincerely



Larry D. Harris  
Senior Attorney  
Office of the General Counsel

cc: Office of Commission Clerk, FPSC  
David Brown, Division of Administration, FPSC