

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Tele Circuit  
Network Corporation for apparent violation of  
Section 364.183(1), F.S., Access to Company  
Records.

DOCKET NO. 080451-TX  
ORDER NO. PSC-08-0804-PAA-TX  
ISSUED: December 4, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

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.

**I. Case Background:**

On July 8, 2008, Docket No. 080451-TX was opened against Tele Circuit Network Corporation (TCNC) for its apparent violation of Section 364.183(1), Florida Statutes (F.S.), Access to Company Records. On February 15, 2008, a certified letter was sent via the United States Postal Service to TCNC requesting data contained in its company records. The data was required to compile the Florida Public Service Commission's (Commission) annual report to the Legislature on the status of local competition in Florida (local competition report). TCNC did receive the certified letter, but failed to provide the requested data.

On September 24, 2008, we issued Proposed Agency Action (PAA) Order No. PSC-08-0628-PAA-TX imposing a \$10,000 penalty on TCNC for its apparent violation of Section 364.183(1), F.S. On October 13, 2008, TCNC submitted a settlement proposal.

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

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FPSC-COMMISSION CLERK

**II. Analysis:**

On October 13, 2008, Mr. Ashar Syed, president of TCNC, submitted an offer to settle the issue in this docket. In the letter, Mr. Syed stated that TCNC outsourced all of its regulatory tax compliance reporting to Thomson Tax & Accounting. TCNC believed that Thomson Tax & Accounting would respond to the report, but it did not do so because the report was not related to taxes or regulatory assessment fees. To correct this situation, TCNC clarified its contract with Thomson Tax & Accounting (TT&A); to state that TT&A will monitor all reports that are due to this Commission; and will double check each report to ensure it is accurate and timely submitted.

To resolve the apparent violation of Section 364.183(1), F.S., TCNC has offered to make a voluntary contribution of \$3,500 for deposit in the General Revenue Fund. The amount of the settlement offer is consistent with our action in accepting similar terms of settlement for the same violation in Docket No. 050955-TX, In Re: Compliance investigation of Cypress Communications Operating Company, LLC for apparent violation of Section 364.183(1), F.S., Access to Company Records.

**III. Decision:**

Accordingly, we find it appropriate to accept Tele Circuit Network Corporation's settlement offer to voluntarily contribute \$3,500 for deposit in the General Revenue Fund within 30 days of the issuance of the Consummating Order to resolve its apparent violation of Section 364.183(1), F.S.

If no person, whose substantial interests are affected by the proposed action, files a protest of this decision within the 21-day protest period, this Order will become final upon issuance of the Consummating Order. If this Order is not protested and TCNC complies with its settlement offer, this docket shall be closed administratively. If TCNC fails to remit the voluntary contribution of \$3,500 within 30 days of the issuance of the Consummating Order, Certificate No. 8573 shall be canceled as set forth in PAA Order No. PSC-08-0628-PAA-TX, and this docket shall be closed administratively. If TCNC's certificate is canceled, TCNC shall be required to immediately cease and desist providing telecommunications services in Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Tele Circuit Network Corporation's settlement offer to voluntarily contribute \$3,500 for deposit in the General Revenue Fund within 30 days of the issuance of the Consummating Order to resolve its apparent violation of Section 364.183(1), F.S., be accepted. It is further

ORDERED that if no person, whose substantial interests are affected by the proposed action, files a protest of this decision within the 21-day protest period, this Order will become final upon issuance of the Consummating Order. It is further

ORDERED that if this Order is not protested and Tele Circuit Network Corporation complies with its settlement offer, this docket shall be closed administratively. It is further

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ORDERED that if Tele Circuit Network Corporation fails to remit the voluntary contribution of \$3,500 within 30 days of the issuance of the Consummating Order, Certificate No. 8573 shall be canceled as set forth in PAA Order No. PSC-08-0628-PAA-TX, and this docket shall be closed administratively. It is further

ORDERED that if Tele Circuit Network Corporation's certificate is canceled, Tele Circuit Network Corporation shall be required to immediately cease and desist providing telecommunications services in Florida.

By ORDER of the Florida Public Service Commission this 4th day of December, 2008.



ANN COLE  
Commission Clerk

( S E A L )

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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 petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 25, 2008.

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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.