

VOTE SHEET

JULY 27, 1999

RE: DOCKET NO. 981488-TI - Initiation of show cause proceedings against Accutel Communications, Inc. for Unlawful Billing Practices in violation of Section 364.10(1) and Section 364.604(2), F.S., and Insufficient Management Capability pursuant to Section 364.337(3), F.S.

Issue 1: Should the Commission order Accutel to show cause why it should not be fined \$10,000 per violation for a total of \$1,710,000 for apparent failure to comply with Sections 364.10 (1) and 364.604 (2), Florida Statutes, Undue Advantage to Person or Locality Prohibited, and Billing Practices?

Recommendation: Yes. The Commission should order Accutel to show cause in writing within 21 days of the issuance date of the order why it should not be fined \$10,000 per violation for a total of \$1,710,000 for apparent failure to comply with Sections 364.10 (1) and 364.604 (2), Florida Statutes. Any collected fine monies should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in majority column]*  
Susan Clark  
Joe Suscia  
J. Terry

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

08873 JUL 28 99

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission order Accutel to show cause why it should not have Certificate Number 4854 revoked for apparent failure to demonstrate adequate management capability under the provisions of Section 364.337(3), Florida Statutes?

Recommendation: Yes. The Commission should order Accutel to show cause in writing within 21 days of the issuance date of the order why it should not have its certificate revoked for failure to comply with Section 364.337(3), Florida Statutes.

**APPROVED**

Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Accutel will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed. If staff's recommendation in Issue 2 is approved, then Accutel will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not have its certificate revoked. If Accutel timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Accutel does not respond to the Show Cause Order, the fines should be deemed assessed. Staff recommends that if Accutel fails to respond to the Order to Show Cause, and the fines are not received within five business days after expiration of the show cause response period, then Accutel's certificate should be revoked as a result of Issue 2 and the fine assessed in Issue 1. This docket can then be closed administratively. If after reasonable efforts the Commission is unable to collect the fine, then it should be forwarded to the Comptroller's Office for collection.

**APPROVED**