

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

AUGUST 31, 1999

RE: DOCKET NO. 961309-TI - Application for certificate to provide interexchange telecommunications service by Vendormatic, Inc. d/b/a HSS Vending Distributors, and initiation of show cause proceedings for violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required.

Issue 1: Should the Commission, on its own motion, dismiss HSS Vending's August 26, 1997, Petition for Formal Hearing?

Recommendation: Yes. HSS Vending has failed to diligently pursue its request for formal hearing and has failed to comply with any aspect of the orders setting the procedure for this docket. In accordance with the Order Establishing Procedure for this docket, Order No. PSC-99-0443-PCO-TI, HSS Vending has waived the right to present any testimony and to raise any additional issues. Staff recommends, therefore, that HSS Vending's Petition be dismissed.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]
Susan Clark
Joe Garcia
J. [unclear]

REMARKS/DISSENTING COMMENTS:

[Handwritten marks in remarks section]

DOCUMENT NUMBER-DATE

10520 SEP-2 99

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission require HSS Vending to pay the \$25,000 fine identified in Order No. PSC-97-0937-FOF-TI?

Recommendation: Yes. HSS Vending has failed to show cause why it should not be fined \$25,000 for operating without a certificate. The Commission should find that the admissions in HSS Vending's response lead to the conclusion of willful violation, and, therefore, the fine should be assessed. If the fine is not received within 10 days of issuance of the Commission's order, the fine should be forwarded to the Office of the Comptroller for further collection efforts.

APPROVED

Issue 3: Should the Commission deny HSS Vending's application for a certificate to provide interexchange telecommunications service?

Recommendation: Yes. If the Commission grants staff's recommendation in Issue 1, staff recommends that the Commission deny HSS Vending's November 1, 1996, application for a certificate of public convenience and necessity.

APPROVED

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Issue 4: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1-2, the show cause portions of this docket will require no further action. Thus, if no person whose substantial interests are affected files a protest of Issue 3 within 21 days of issuance of the Commission's order, this docket may be closed.