

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 30, 1999

RE: DOCKET NO. 981294-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 4606 issued to Vertex Enterprize & Investment, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Issue 1: Should the Commission, on its own motion, dismiss Vertex's June 10, 1999, protest, and reinstate Order No. PSC-99-1031-PAA-TC as a Final Order?

Recommendation: Yes. Staff recommends that the Commission dismiss Vertex's June 10, 1999, protest and reinstate Order No. PSC-99-1031-PAA-TC as a final order, effective November 30, 1999, with the modification that Vertex no longer has five days to pay the \$30,500 fine in order to avoid cancellation of its certificate. Vertex has failed to pursue its protest and has refused to pay the settlement and fine amounts; therefore, its certificate should simply be canceled. All certificated local exchange companies should be instructed to discontinue service to Vertex, pursuant to Rule 25-24.510, Florida Administrative Code, Certificate of Public Convenience and Necessity Required.

The action recommended herein should in no way relieve Vertex of its obligation to pay 1999 regulatory assessment fees, which are not yet past due. If Vertex fails to pay 1999 regulatory assessment fees, the 1999 fees

COMMISSIONERS ASSIGNED: GR DS JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan J. Clark
Joe Garcia
J. Terry Pearson

REMARKS/DISSENTING COMMENTS:

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should be forwarded to the Office of the Comptroller for further collection efforts. If the Commission approves staff's recommendation, failure to pay 1999 fees should not result in additional punitive action by the Commission.

APPROVED

Issue 2: Should this Docket be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1, no further action will be necessary. Therefore, this docket may be closed.

APPROVED