

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

February 12, 2008

Docket No. 080065-TX – Investigation of Vilaire Communications, Inc.'s eligible telecommunications carrier status and competitive local exchange company certificate status in the State of Florida.

Issue 1: Should the Commission order VCI to refund excess E911 fees collected from customers?

Recommendation: Yes. Staff recommends that the Commission order VCI to provide staff with a revised worksheet showing the total amount of E911 overcharges since VCI received certification in Florida. The worksheet should be provided within 30 days of the Commission Order, and VCI should refund those overcharges within ninety days of the Commission Order in accordance with Rule 25-4.114, Florida Administrative Code. In addition, a preliminary refund report should be made within 30 days after the date the refund is completed and again 90 days thereafter. A final report should be made after all administrative aspects of the refund are completed. Unclaimed refunds and refunds less than one dollar should be remitted to this Commission for deposit in the state of Florida General Revenue Fund.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on a set of four horizontal lines.

Four horizontal lines for dissenting signatures, currently blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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**Issue 2:** Should VCI's eligible telecommunications carrier status be rescinded?

**Recommendation:** Yes, VCI's eligible telecommunications carrier status should be rescinded if this Proposed Agency Action becomes final upon issuance of a consummating order. Staff also recommends that if the Commission approves staff's recommendation, results of staff's investigation along with the Commission Order should be forwarded to the USAC, the FCC, and the Department of Justice for further follow-up to recover federal Universal Service Funds obtained by VCI through misrepresentations made to the USAC.

**APPROVED**

**Issue 3:** Should the Commission cancel Vilaire Communications, Inc.'s Competitive Local Exchange Company Certificate No. 8611 for its demonstrated lack of technical, financial, and managerial capability to operate a telecommunications company in Florida?

**Recommendation:** Yes. Staff recommends the Commission cancel Vilaire Communications, Inc.'s Competitive Local Exchange Company Certificate No. 8611 for its demonstrated lack of technical, financial, and managerial capability to operate a telecommunications company in Florida, effective as of the date of the consummating order. VCI should continue to have an obligation to pay the applicable regulatory assessment fees (RAFs) and refund the E911 overcharges addressed in Issue 2. If Vilaire Communications, Inc. certificate is cancelled and the company does not pay its RAFs, the collection of the RAFs should be referred to the Florida Department of Financial Services, for further collection efforts.

**APPROVED**

**Issue 4:** Should the Commission approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of Vilaire Communications, Inc.'s customers to AT&T-Florida, Inc.?

**Recommendation:** If the Commission approves Issue 3, staff recommends that the Commission waive the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, to allow VCI's customers who do not select another carrier to seamlessly transfer over to AT&T effective as of the date of the consummating order. AT&T should be ordered to serve VCI's existing Lifeline customers during a transitional period where former VCI customers can choose to stay with AT&T at AT&T's existing Lifeline rates and terms or select another carrier of their choice. AT&T should also be required to provide the Commission with all necessary customer information of current VCI customers to allow the Commission to contact them.

**APPROVED**

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**Issue 5:** Should this docket be closed?

**Recommendation:** If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, the Commission's decision should become final and effective upon issuance of a Consummating Order. This docket should remain open in order for VCI to complete the required refund of excess E911 overcharges and verify the transition of VCI customers to AT&T, after which time, this docket should be closed administratively.

**APPROVED**