

FLORIDA PUBLIC SERVICE COMMISSION

Item 5

VOTE SHEET

FILED AUG 27, 2015
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FPSC - COMMISSION CLERK

August 27, 2015

Docket No. 150158-TX – Initiation of show cause proceedings against Sun-Tel USA, Inc. for apparent violation of Section 364.335(2), F.S., (Application for Certificate of Authority), Section 364.183(1), F.S., (Access to Company Records), Rule 25-4.0665(20), F.A.C., (Lifeline Service), and Rule 25-4.0051, F.A.C., (Current Certificate Holder Information).

Issue 1: Should the Commission order Sun-Tel to show cause in writing within 21 days of the date of the order why it should not be penalized \$2,000 or its Certificate No. 7126 and ETC designation should not be cancelled for apparent violations of Section 364.335(2), and Section 364.183(1), F.S., and Rules 25-4.0665 (20), and 25-4.0051, F.A.C.?

Recommendation: Yes. The Commission should order Sun-Tel to show cause in writing within 21 days of the issuance of the Commission Order why it should not be penalized \$2,000 or its Certificate No. 7126 and ETC designation cancelled for apparent violations of Section 364.335(2), and 364.183(1), F.S., and Rules 25-4.0665 (20), and 25-4.0051, F.A.C. Specifically, staff recommends that Sun-Tel be directed to pay a penalty of \$2,000, update the Company’s Corporate Registration with the Florida Secretary of State, and update company contact information with the Commission Clerk in order to maintain its CLEC certificate. In order to maintain Sun-Tel’s ETC designation, staff recommends that Sun-Tel should complete the above requirements for its CLEC certificate, provide the required Lifeline quarterly data from the fourth quarter 2014 through the second quarter 2015, and provide proof that it has the ability to offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services.

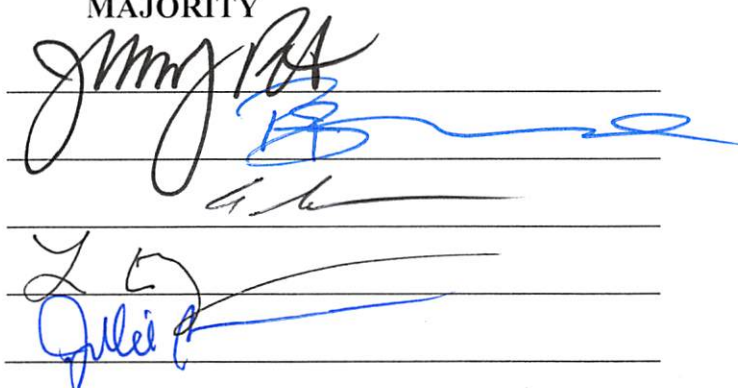
Sun-Tel USA, Inc.’s response must contain specific allegations of fact or law. If Sun-Tel USA, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, F.S., within 21 days and/or remit the penalty, the facts should be deemed admitted and the company’s certificate No. 7126 and ETC designation should be cancelled. If a penalty is assessed and paid by the company, the Commission will remit the penalty to the State of Florida General Revenue Fund, pursuant to Section 364.285, F.S.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

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

REMARKS/DISSENTING COMMENTS:

Docket No. 150158-TX – Initiation of show cause proceedings against Sun-Tel USA, Inc. for apparent violation of Section 364.335(2), F.S., (Application for Certificate of Authority), Section 364.183(1), F.S., (Access to Company Records), Rule 25-4.0665(20), F.A.C., (Lifeline Service), and Rule 25-4.0051, F.A.C., (Current Certificate Holder Information).

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Further, staff recommends that if the company responds to the show cause order by remitting the penalty, updating the company's Corporate Registration with the Florida Secretary of State, submitting the required Lifeline quarterly data, and providing proof that it has the ability to offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services, this show cause matter will be considered resolved, and the docket closed.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: No. If Issue 1 is approved, then Sun-Tel will have 21 days, from the issuance of the Order to Show Cause, to respond in writing why it should not be assessed a penalty or have its certificate and ETC designation canceled. If Sun-Tel timely responds, in writing, to the Order to Show Cause, updates the company's Corporate Registration with the Florida Secretary of State, updates its Company contact information with the Commission Clerk, files the required Lifeline quarterly data, provides proof that it has the ability to offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services, and timely pays the assessed penalty of \$2,000, the penalty should be deposited in the Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes, and the docket closed administratively.

If Issue 1 is approved and Sun-Tel fails to timely respond to the Order to Show Cause or request a hearing, fails to update the company's Corporate Registration with the Florida Secretary of State, fails to update its Company contact information with the Commission Clerk, fails to file the required Lifeline quarterly data, fails to provide proof that it has the ability to offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services, or fails to timely pay the assessed penalty of \$2,000, then Sun-Tel's Certificate No. 7126 and ETC designation should be canceled and the docket closed administratively.

APPROVED