

FLORIDA PUBLIC SERVICE COMMISSION

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VOTE SHEET

NOVEMBER 5, 2002

RE: Cancellation by Florida Public Service Commission of PATS certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 020767-TC - Charles Borg
 Docket No. 020768-TC - Pay Phone Systems
 Docket No. 020769-TC - B & D Product Services, Inc. d/b/a Quality Marketing Group
 Docket No. 020771-TC - Thomas G. Bialozynski d/b/a Country Quick Stop
 Docket No. 020772-TC - Brooks L. Webb & Tom Marshall d/b/a 5 Sons International
 Docket No. 020773-TC - Infinitel, Inc.
 Docket No. 020780-TC - Steven C. Sorenson
 Docket No. 020782-TC - Export Experts & Imports, Inc.
 Docket No. 020784-TC - Citizens Payphone Company
 Docket No. 020785-TC - 20/20 Communications
 Docket No. 020790-TC - Hitsu, Inc.
 Docket No. 020791-TC - Tariq El-Yaman
 Docket No. 020792-TC - Parcom Communications, Inc. d/b/a Par Com Communications
 Docket No. 020794-TC - Willie B. Young Jr.
 Docket No. 020795-TC - Premium Communication Services, Inc.
 Docket No. 020800-TC - Dallas & Charlene Merritt d/b/a A & O Communications
 Docket No. 020806-TC - TranStar Communications, Inc.
 Docket No. 020807-TC - Phonexpert, Inc.
 Docket No. 020809-TC - Michael S Sims d/b/a SunDial

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: Rudy B. Smith, Michael A. Paterlini, J. Terry Deaso]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER DATE

12151 NOV-58

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Docket No. 020810-TC - Van J. Compoli and Robert Berg d/b/a SouthEast Tel-Tech
Docket No. 020812-TC - Roger Hester d/b/a Catch 84 Communications
Docket No. 020813-TC - Michael Brandenberger
Docket No. 020816-TC - Dixon, Inc. d/b/a Dixon Telecom
Docket No. 020818-TC - Herve Salnave
Docket No. 020819-TC - Joseph D Cain d/b/a J & C Communications
Docket No. 020821-TC - TFT Foundation, Inc.
Docket No. 020915-TC - Julie L. Stanfield and Frank K. Hunt d/b/a S & H Communications
Docket No. 020917-TC - Boulevard Hotel, Inc.
Docket No. 020956-TC - PayStar Communications, Inc.
Docket No. 020764-TC - Phone Plus, Inc.
Docket No. 020770-TC - Tel Call Communication Inc.
Docket No. 020777-TC - Laurstar Telecommunications, Inc.
Docket No. 020778-TC - I P P S of Orlando, Inc.
Docket No. 020779-TC - John McDermott
Docket No. 020783-TC - Colonial Systems, Inc.
Docket No. 020793-TC - Victory Financial Group, Inc.
Docket No. 020796-TC - Cybertex Computer, Inc. d/b/a CTX Payphone Company
Docket No. 020776-TC - Nationwide Communications of Michigan, Inc.

ISSUE 1: Should the Commission impose a \$500 penalty or cancel each company's respective certificate as listed on Attachment A of staff's October 24, 2002 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code?

RECOMMENDATION: Yes. The Commission should impose a \$500 penalty or cancel each company's respective certificate as listed on Attachment A for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.505, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If a company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, that company's certificate, as listed on Attachment A, should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If a

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company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing pay telephone service in Florida.

APPROVED

ISSUE 2: Should the Commission impose a \$1,000 penalty or cancel each company's respective certificate as listed on Attachment B of staff's October 24, 2002 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code?

RECOMMENDATION: Yes. The Commission should impose a \$1,000 penalty or cancel each company's respective certificate as listed on Attachment B for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.505, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If a company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, that company's certificate, as listed on Attachment B, should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If a company's certificate, as listed on Attachment B, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing pay telephone service in Florida.

APPROVED

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ISSUE 3: Should the Commission cancel Nationwide Communications of Michigan, Inc.'s Certificate No. 3950 as listed on Attachment C of staff's October 24, 2002 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code?

RECOMMENDATION: Yes. The Commission should cancel Nationwide Communications of Michigan, Inc.'s Certificate No. 3950 as listed on Attachment C for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.505, Florida Administrative Code. If the past due fee, including statutory penalty and interest charges, is not received within fourteen (14) calendar days after the issuance of the Consummating Order, the amount shall be turned over to the Office of the Comptroller for further collection efforts. If the Commission's Order is not protested, the company's Certificate No. 3950 as listed on Attachment C should be cancelled administratively. If Nationwide Communications of Michigan, Inc.'s certificate as listed on Attachment C is cancelled in accordance with the Commission's Order from this recommendation, Nationwide Communications of Michigan, Inc. should be required to immediately cease and desist providing pay telephone service in Florida.

APPROVED

ISSUE 4: Should these dockets be closed?

RECOMMENDATION: The Orders issued from these recommendations will become final upon issuance of Consummating Orders, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Orders. The dockets should then be closed upon receipt of the penalty and fees or cancellation of each company's respective certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

APPROVED