

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MARCH 28, 2000

RE: Initiation of show cause proceedings for apparent violation of Section 364.183(1), F.S., Access to Company Records.

- DOCKET NO. 000233-TX - Metro Connection, Inc. d/b/a TransAmerican Telephone
- DOCKET NO. 000234-TX - USA Tele Corp.
- ~~DOCKET NO. 000235-TX - TotalTel USA Communications, Inc. *deferred*~~
- DOCKET NO. 000236-TX - Pushbutton Paging & Communication, Inc.
- DOCKET NO. 000237-TX - Philacom Inc.
- DOCKET NO. 000238-TX - Dial-Tone Communications Group Inc.
- DOCKET NO. 000239-TX - Atlantic.Net Broadband, Inc.

Issue 1: Should the Commission order each of the companies listed on page 7 of staff's March 16, 2000 memorandum to show cause why it should not be fined \$10,000 or its respective certificate, as listed on page 7, should not be canceled for failure to provide the Commission access to information in accordance with Section 364.183(1), Florida Statutes, Access to Company Records?

Recommendation: Yes. The Commission should order each of the companies listed on page 7 to show cause in writing within 21 days of issuance of the Commission's Order why it should not be fined \$10,000 or have its respective certificate, as listed on page 7, canceled for failure to provide the Commission access to information in accordance with Section 364.183(1), Florida Statutes, Access to Company Records. Each company's response should contain specific allegations of fact and law. If any of the companies listed on page 7 fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period and the fine is not paid within ten business days

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

Do No. 00235-TX is deferred to a later Commission meeting

DOCUMENT NUMBER - DATE
03923 MAR 30 8

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after the 21-day response period, the facts should be deemed admitted and the right to a hearing should be deemed waived and the company's respective certificate, as listed on page 7, should be canceled. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

APPROVED

Issue 2: Should ^{these} ~~these~~ docket^s be closed?

Recommendation: No. If staff's recommendation in Issue 1 is approved, they will remain open pending the outcome of the show cause proceedings. If each of the companies listed on page 7 timely responds to its respective show cause order, its respective docket should remain open pending resolution of the show cause proceedings.

Staff recommends that if any of the companies listed on page 7 fails to respond to the Order to Show Cause within the 21-day show cause response period and the respective fine is not received within ten business days after the expiration of the show cause response period, the company's respective certificate, as listed on page 7, should be canceled and its respective docket may be closed administratively. If each of the companies listed on page 7 pays the fine recommended in Issue 1, the company's respective docket should be closed. A protest in one docket should not prevent the action in a separate docket from becoming final.

APPROVED with deferral of
Docket 000235-TV