

VOTE SHEET

AUGUST 1, 2000

RE: DOCKET NO. 000036-TI - Initiation of show cause proceedings against USLD Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context.

Issue 1: Should the Commission accept USLD Communications, Inc.'s calculation of \$28,939.59, plus \$3,088.29 interest, as required by Rule 25-4.114, Florida Administrative Code, Refunds, for a total of \$32,027.88, for overcharges to end users on intrastate 0+ calls placed from pay telephones and made in a call aggregator context from February 1, 1999, through March 31, 2000?

Recommendation: Yes. The Commission should accept USLD Communications, Inc.'s calculation of \$28,939.59, plus \$3,088.29 interest, as required by Rule 25-4.114, Florida Administrative Code, Refunds, for a total of \$32,027.88, for overcharges to end users on intrastate 0+ calls placed from pay telephones and made in a call aggregator context from February 1, 1999, through March 31, 2000.

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09373 AUG-38

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Issue 2: Should the Commission accept USLD Communications, Inc.'s request that it be permitted to make a contribution of \$28,939.59, plus \$3,088.29 interest, for a total of \$32,027.88, to the State of Florida General Revenue Fund in lieu of refunds to individual customers who were overcharged for intrastate 0+ calls made from pay telephones and in a call aggregator context from February 1, 1999, through March 31, 2000?

Recommendation: No. The Commission should not accept USLD Communications, Inc.'s request that it be permitted to make a contribution of \$28,939.59, plus \$3,088.29 interest, as required by Rule 25-4.114, Florida Administrative Code, Refunds, for a total of \$32,027.88, to the General Fund in lieu of refunds to individual customers who were overcharged for intrastate 0+ calls made from pay telephones and in a call aggregator context from February 1, 1999, through March 31, 2000. The Commission should order USLD Communications, Inc. to credit customers' local exchange telephone bills beginning September 1, 2000, and ending November 30, 2000, for overcharging end users on intrastate 0+ calls made from pay telephones and in a call aggregator context from February 1, 1999, through March 31, 2000. By December 10, 2000, USLD Communications, Inc. should remit any unrefundable amount, including interest, to the Commission for forwarding to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. USLD Communications, Inc. should submit a final report as required by Rule 25-4.114, Florida Administrative Code, Refunds, by December 10, 2000. If the company fails to issue the refunds in accordance with the terms of the Commission's Order, the company's certificate should be canceled, and this docket should be closed.

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Issue 3: Should the Commission accept the \$5,000 settlement offer proposed by USLD Communications, Inc. to resolve the apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should accept the company's \$5,000 settlement proposal to resolve the apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. Any contribution should be received by the Commission within ten business days from the issuance date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the settlement offer, the company's certificate should be canceled, and this docket should be closed.

Issue 4: Should this docket be closed?

Recommendation: No. If no person whose interests are substantially affected by the proposed action files a protest of the Commission's decision on Issues 1 and 2 within the 21-day protest period, the Commission's Order will become final upon issuance of a consummating order. The Commission's actions on Issues 1 and 2 should not have impact on action taken on Issue 3, nor should a protest of either Issue 1 or 2 impact the effectiveness of the Commission's decision on Issue 3. This docket should, however, remain open pending the completion of the refund, receipt of the final report on the refund, and remittance of the \$5,000 voluntary contribution. After completion of the refund, receipt of the final refund report, and remittance of the \$5,000 voluntary contribution, this docket may be closed administratively. If the company fails to complete the refund or to pay the settlement contribution, this docket may be closed upon cancellation of USLD Communications, Inc.'s certificate.