

VOTE SHEET

MAY 29, 2001

RE: DOCKET NO. 001329-TI - Initiation of show cause proceedings against Radiant Telecom, Inc. for apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries, 25-24.480, F.A.C., Records & Reports; Rules Incorporated, 25-24.915, F.A.C., Tariffs and Price Lists, 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

ISSUE 1: Should the Commission accept the revised settlement offer proposed by Radiant Telecom, Inc. to resolve the apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries, 25-24.480, F.A.C., Records & Reports; Rules Incorporated, 25-24.915, F.A.C., Tariffs and Price Lists, 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal, which includes a \$7,500 voluntary contribution to the General Revenue Fund, paid prematurely on October 2, 2000. The contribution was forwarded to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. The company has waived any objections to the administrative cancellation of Certificate Number 6098 in the event its offer is approved by the Commission and it fails to comply with the terms of its settlement offer.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Amirhossein A. Palouchi
[Signature]
[Signature]
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06700 MAY 30 01

FPSC-REG. PROC. REPORTING

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ISSUE 2: Should the Commission accept Radiant Telecom, Inc.'s offer of refund and refund calculation of \$32,887.61, plus interest of \$2,492.27, for a total of \$35,379.88, for overcharging customers for charges not disclosed at the point of sale between January 1, 1999, and October 31, 2000?

RECOMMENDATION: Yes. The Commission should accept Radiant's calculation of \$32,887.61, adding interest of \$2,492.27, for a total of \$35,379.88, and its proposal to remit the refund amount by July 31, 2001, to the Commission to be forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes, for overcharging customers for charges not disclosed in its tariff or at the point of sale between January 1, 1999, and October 31, 2000. The refund should be forwarded to the Comptroller for deposit in the General Revenue Fund, since the company has no records that would identify its end customers and therefore cannot refund the overcharges directly. Radiant should submit a final report as required by Rule 25-4.114, Florida Administrative Code, Refunds, by July 31, 2001.

APPROVED

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. With the approval of Issues 1 and 2, this docket should remain open pending the completion of the refund and receipt of the final report on the refund. Thereafter, this docket should be closed upon issuance of an Order consummating Issue 2, if no person whose substantial interests are affected files a protest of Issue 2. If the company fails to comply with the terms of its settlement offer and the Commission Order, Certificate Number 6098 should be canceled administratively, and this docket should be closed if no person whose substantial interests are affected files a protest of Issue 2.

APPROVED