

VOTE SHEET

NOVEMBER 17, 1998

RE: DOCKET NO. 981248-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5249 issued to Preferred Payphones, Inc. for violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Issue 1: Should the Commission impose a \$10,000 fine or cancel Preferred's Alternative Local Exchange Telecommunications Certificate No. 5249 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should impose a \$10,000 fine for failure to respond to the Commission or cancel the company's certificate if the fine is not received by the Commission within five business days after the conclusion of the 21-day protest period. The fine 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 the Commission's order is not protested and the fine is not received, Certificate Number 5249 should be canceled.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the Majority column]

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DOCUMENT NUMBER-DATE

12952 NOV 18 98

FPSC-RECORDS/REPORTING

REMARKS/DISSENTING COMMENTS:

Commissioner Garcia participated in the Agenda Conference via video teleconference and ~~dissented~~ in the vote. He will sign the vote sheet upon his return to Tallahassee.

agreed

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Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the order, the order will become final. Upon payment of the fines and fees, and receipt of the required information, or cancellation of the certificate, this docket should be closed.

APPROVED