

VOTE SHEET

MARCH 16, 1999

RE: DOCKET NO. 990241-TC - Initiation of show cause proceedings against PhoneTel Technologies, Inc. for violation of Rule 25-24.515, F.A.C, Pay Telephone Service.

Issue 1: Should PhoneTel be ordered to show cause why a fine of \$16,800 should not be imposed or Certificate No. 3644 should not be canceled for apparent violations of Rules 25-24.515, Florida Administrative Code, Pay Telephone Service?

Recommendation: Yes. The Commission should order PhoneTel to show cause in writing within 21 days of the effective date of the order why it should not have Certificate No. 3966 canceled or be fined \$16,800 for apparent violation of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service. The company's response must contain specific allegations of fact or law. If PhoneTel fails to respond to the show cause, the fine will be deemed assessed. If the fine is not paid after reasonable collection efforts by the Commission, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

*To the April 20, 1999
Commission Conference*

DOCUMENT NUMBER-DATE

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Issue 2: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then PhoneTel will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If PhoneTel timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If PhoneTel does not respond to the Commission's order to show cause, the fines should be assessed. The fines should be forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Staff recommends that if PhoneTel fails to respond to the order to show cause, and the fines are not received within five business days after expiration of the show cause response period, PhoneTel's certificate should be canceled and this docket closed administratively.

DEFERRED