

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MARCH 30, 2004

RE: Docket No. 040162-TI - Compliance investigation of PHI Telecommunications Corporation for apparent violation of Sections 364.02 and 364.04, Florida Statutes.

Issue 1: Should the Commission impose a \$25,000 penalty upon PHI Telecommunications Corporation (PHI) for its apparent violation of Sections 364.02 and 364.04, Florida Statutes, to be paid to the Florida Public Service Commission within fourteen (14) calendar days after the issuance of the Consummating Order?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Chuck M. Pugh
John J. Jaber
Maureen A. ...
Jerry ...
Judy Bradley

REMARKS/DISSENTING COMMENTS:

Commissioner Jaber participated in the conference by telephone. She agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

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VOTE SHEET

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(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: The Order issued from staff's March 18, 2004 recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If PHI fails to timely file a protest and request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If payment of the penalty is not received within fourteen (14) calendar days after the issuance of the Consummating Order the penalty should be referred to the Department of Financial Services for collection and the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. This docket should be closed administratively upon receipt of:

1. The company's tariff;
2. The company's current contact information; and
3. The payment of the penalty, or
4. Upon the referral of the penalty to the Department of Financial Services.

APPROVED