

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

APRIL 20, 2004

RE: Docket No. 040217-TC - Compliance investigation of SOBE Communications Corp. for apparent violation of Rule 25-4.019, F.A.C., Records and Reports in General.

Issue 1: Should the Commission impose a penalty upon SOBE Communications Corp. in the amount of \$10,000 for apparent violation of Rule 25-4.019, Florida Administrative Code, Records and Reports in General, and order the company to submit the required documentation listed in Attachment A of staff's April 8, 2004 memorandum to the Division of Auditing and Safety?

Recommendation: Yes.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Charles W. David*  
*Mark J. ...*  
*Michael ...*  
*J. ...*  
*Muddy Bradley*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04694 APR 20 03

FPSC-COMMISSION CLERK

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Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If SOBE fails to timely file a protest and to 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 SOBE fails to pay the penalty and submit the required documentation within fourteen (14) calendar days after the issuance of the Consummating Order, Pay Telephone Certificate No. 7601 should be cancelled and the company should be required to immediately cease and desist providing pay telephone service in Florida. This docket should be closed administratively upon either the receipt of the payment of the penalty and the required documentation, or upon cancellation of Pay Telephone Certificate No. 7601.

**APPROVED**