

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 21, 2004

RE: Compliance investigations for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. (Deferred from September 7, 2004 conference.)

Docket No. 040406-TC - Ocean Palms Beach Club, Inc.

Docket No. 040812-TC - Edward E. Rockey

Issue 1: Should the Commission deny the companies listed on Attachment A of staff's August 26, 2004 memorandum voluntary cancellation of their respective certificates and instead, on the Commission's own motion, cancel the companies' respective certificates with prejudice?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of four commissioners in the majority column.

Four horizontal lines in the dissenting column, all of which are blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
10183 SEP 21 04
FPSC-COMMISSION CLERK

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Issue 2: Should these dockets be closed?

Recommendation: Staff recommends that 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 any company listed on Attachment A of staff's August 26, 2004 memorandum fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If any company listed on Attachment A of staff's memorandum fails to pay the Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, each company's respective certificate, as listed on Attachment A, should be cancelled administratively and the collection of the past due fees should be referred to the Department of Financial Services for further collection efforts. If any company's certificate as listed on Attachment A is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing pay telephone service in Florida. These dockets should be closed administratively upon either receipt of the payment of the Regulatory Assessment Fees, including statutory penalty and interest charges, or upon cancellation of a company's certificate as listed on Attachment A. A protest in one docket should not prevent the action in a separate docket from becoming final.

APPROVED