

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 30, 2004

RE: Compliance investigations for apparent violation of Section 364.336, Florida Statutes.

- Docket No. 040895-TI - Atlas Communications, Ltd.
- Docket No. 040898-TI - Operator Communications, Inc. d/b/a Oncor Communications, Inc. d/b/a OCI
- Docket No. 040900-TI - Tristar Communications Corp.
- Docket No. 040909-TI - Annox, Inc.
- Docket No. 040910-TI - Lionhart of Miami, Inc. d/b/a Astral Communications d/b/a L.O.M.
- Docket No. 040912-TI - Maxcess, Inc.
- Docket No. 040916-TI - Norstar Communications, Inc. d/b/a Business Savings Plan Inc.
- Docket No. 040917-TI - Gadjraj And Sons, Import & Export, Inc. d/b/a Arctics d/b/a Kaizen
- Docket No. 040919-TI - Globaltron Communications Corporation
- Docket No. 040920-TI - USA Telephone Inc. d/b/a CHOICE ONE Telecom
- Docket No. 040921-TI - MCG, LLC
- Docket No. 040922-TI - NexGen Telecom, LLC
- Docket No. 040923-TI - TelecomEZ Corp.
- Docket No. 040924-TI - MYCO Telecommunications, Inc.
- Docket No. 040925-TI - TELECUBA, INC.
- Docket No. 040929-TI - Telegenius, Inc.
- Docket No. 040930-TI - Power-Finder West Communications, LLC

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Docket No. 040932-TI - Kiger Telephone & Telephony, LLC

Docket No. 040933-TI - Moving Bytes, Inc.

Docket No. 040934-TI - Choice Telco, LLC

Docket No. 040935-TI - Kernan Associates, Ltd. d/b/a St. Johns Technologies

Docket No. 040936-TI - Universal Broadband Communications, Inc. d/b/a Business
Savings Plan

Docket No. 040937-TI - Cinco Telecom Corp. d/b/a Orbitel

Docket No. 040938-TI - Primo Communications Inc

Docket No. 040962-TI - Telesphere, Inc. d/b/a Telesphere Services, Inc.

Docket No. 040963-TI - Universal Phone Corporation

Docket No. 040964-TI - Innovative Communication Solutions, Inc.

Docket No. 040965-TI - Via One Technologies, Inc.

Docket No. 040967-TI - CM Tel (USA) LLC

Docket No. 040968-TI - Colorado Communications Network, Inc. d/b/a Hospitality
Communications

Docket No. 040969-TI - Metro Teleconnect Companies, Inc.

Docket No. 040970-TI - Prepaid Network Corp.

Docket No. 040971-TI - Direct Telephone Company, Inc.

Docket No. 040980-TI - AccessLine LD Services, Inc.

Docket No. 040981-TI - IBGH Communications, LLC

Docket No. 040982-TI - MMG Holdings, Inc.

Docket No. 040983-TI - Alpha Telecom, LLC

Docket No. 040984-TI - Galway Telecommunications, LLC

Docket No. 040986-TI - Nigerian-American Investment Corporation d/b/a NAIC
Telecommunications

Issue 1: Should the Commission impose a penalty and a cost of collection, together totaling \$500, or cancel the intrastate interexchange telecommunications company's (IXC) tariff and remove from the register each company identified in Attachment A of staff's November 18, 2004 memorandum, with an effective date of December 31, 2004, for an apparent first violation of Section 364.336, Florida Statutes?

Recommendation: Yes.

APPROVED

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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 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 fails to pay the penalty and cost of collection, together totaling \$500, and Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's tariff should be cancelled administratively, its name removed from the register, and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. If any company's tariff is cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. These dockets should be closed administratively either upon receipt of the payment of the penalty and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's tariff and removal from the register.

APPROVED