

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

APRIL 5, 2005

RE: Docket No. 050056-TX - Compliance investigation of AAA Reconnect, Inc. for apparent violation of Rule No. 25-4.043, F.A.C., Response to Commission Staff Inquiries, Rule No. 25-24.480(2), F.A.C., Records and Reports, Rules Incorporated, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees, Telecommunications Companies.

Issue 1: Should the Commission impose a \$10,000 penalty on AAA Reconnect, Inc. for its apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, incorporated by Rule 25-24.835, Florida Administrative Code, Rules Incorporated?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures of majority commissioners]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03327 APR-5 05

FPSC-COMMISSION CLERK

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(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: Staff recommends that the Order issued from this recommendation 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 AAA Reconnect 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 the company fails to pay the imposed penalties in Issues 1 through 3 within fourteen (14) calendar days after the issuance of the Consummating Order, CLEC Certificate No. 8461 should be cancelled administratively 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. For any payment received applicable to the penalty, including cost of collection, in Issue 3, the cost of collection should be subtracted from the amount received and should be deposited in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. Any monetary amount exceeding the cost of collection should be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. If the company's certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing competitive local exchange services in Florida. This docket should be closed administratively either upon receipt of the payment of the penalties and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's certificate.

APPROVED