

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 6, 2005

RE: Docket No. 050704-TI - Compliance investigation of Discount Utilities, LLC, IXC Registration No. TJ070, for apparent violation of Section 364.336, F.S.

**Issue 1:** Should the Commission impose a penalty and a cost of collection, together totaling \$1,000, or cancel Discount Utilities, LLC's intrastate interexchange telecommunications company's (IXC) tariff and remove from the register with an effective date of December 31, 2005, for an apparent second violation of Section 364.336, Florida Statutes?

**Recommendation:** Yes. The company should be penalized \$1,000 or have its IXC tariff cancelled and its name removed from the register for nonpayment of the 2004 Regulatory Assessment Fee.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the majority column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

11457 DEC-6 05

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**Issue 2:** Should this docket 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 the 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 the company fails to pay the penalty and cost of collection, together totaling \$1,000, and Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's IXC tariff should be cancelled and its name removed from the register 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. If the 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. This docket 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 IXC tariff and removal of its name from the register.

**APPROVED**