

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 20, 2005

RE: **Docket No. 050838-TI** - Compliance investigation of Primo Communications, Inc. for apparent violation of Rule 25-24.470, F.A.C., Registration Required.

**Issue 1:** Should the Commission impose a penalty in the amount of \$25,000 on Primo Communications, Inc. for its apparent violation of Rule 25-24.470, Florida Administrative Code, Registration Required?

**Recommendation:** Yes. The Commission should impose a \$25,000 penalty on Primo Communications, Inc.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

11750 DEC 20 05

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, F.A.C., 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 Primo Communications, Inc. fails to timely file a protest and 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 Primo fails to pay the penalty within fourteen (14) calendar days after the issuance of the Consummating Order, the collection of the penalty should be referred to the Department of Financial Services and the company should be required to immediately cease and desist providing telecommunications services in Florida. This docket should be closed administratively upon either receipt of the payment of the penalty or upon referral of the collection of the penalty to the Department of Financial Services.

**APPROVED**