

VOTE SHEET

April 4, 2006

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 accept Primo Communications, Inc.'s settlement offer to resolve its apparent violation of Rule 25-24.470, Florida Administration Code, Registration Required?

Recommendation: Yes. The Commission should accept Primo Communications, Inc.'s settlement proposal to make a voluntary contribution to the Florida General Revenue Fund in the amount of \$5,000, to be paid in ten equal monthly installments of \$500, to resolve its apparent violation of Rule 25-24.470, F.A.C., Registration Required, and pay the \$500 penalty imposed in Order No. PSC-04-1198-PAA-TI.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Katrina G. Iov

J. [Signature]

Jim [Signature]

[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03034 APR-4 06

FPSC-COMMISSION CLERK

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Issue 2: 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.

The company should be required to pay to the Commission within fourteen (14) calendar days of the issuance of the Consummating Order in the amount of \$1000 - consisting of (1) the first \$500 monthly installment of the company's \$5,000 voluntary contribution, and (2) the \$500 penalty imposed in Order No. PSC-04-1198-PAA-TI, which includes RAF collection costs. Within 30 days of the Commission receiving Primo's initial payment of \$1,000.00, the company should be required to submit its second payment in the amount of \$500. Thereafter, Primo should be required to submit eight monthly payments in the amount of \$500 each. Each payment should be made within 30-day intervals. Payments should be identified by docket number and company name, and made payable to the Florida Public Service Commission. For the \$500 penalty imposed in Order No. PSC-04-1198-PAA-TI, the RAF collection costs should be deducted from the \$500 and deposited in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. Any monetary amount exceeding the RAF collection cost, along with voluntary contribution, will 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 Primo Communications, Inc. fails to pay in accordance with its settlement proposal, its tariff should be cancelled, its name should be removed from the IXC register, and the company should be required to immediately cease and desist providing all intrastate telecommunications service in Florida. This docket should be closed administratively upon receipt of the final payment of the voluntary contribution or upon cancellation of the company's tariff and removal of its name from the IXC register.

APPROVED