Matilda Sanders

From:

Gloria Ross

Sent:

Monday, November 03, 2008 10:48 AM

To:

CLK - Orders / Notices

Cc:

Timisha Brooks

Subject:

Order / Notice Submitted

Date and Time: **Docket Number:** 11/3/2008 10:47:00 AM 080425-TX & 080444-TX

Filename / Path:

1:\2008\080425 & 080444 CO.tjb.doc

FPSC, CLK - CORRESPONDENCE XAdministrative_Parties_Consumer DOCUMENT NO. 08088-08

DISTRIBUTION:

CONSUMMATING ORDER

O faxed

mailedemailedcertified

FLORIDA PUBLIC SERVICE COMMISSION CASE MANAGEMENT SYSTEM PARTICIPATING EMAIL ADDRESSES

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
REI Communications	TX287	Christy@reicommunications.com	No
Vycera Communications, Inc.	TX415	dgietzen@vycera.com	No _

PSC-08-0654-PAA -TX

080444

From: Sent: Gloria Ross

Monday, October 06, 2008 4:25 PM

To: Cc: **CLK - Orders / Notices**

Cc: Subject: Timisha Brooks; Lee Eng Tan Order / Notice Submitted

Date and Time: Docket Number: 10/6/2008 4:12:00 PM 080425-TX & 080444-TX

Filename / Path:

I:\2008\080425\080425 & 080444 PAA Order

Complance RAFS

FPSC, CLK - CORRESPONDENCE

Administrative Parties Consumer

DOCUMENT NO. 08088-08

DISTRIBUTION:

PAA ORDER

O faxed
O mailed
2 emailed
2 certified

FLORIDA PUBLIC SERVICE COMMISSION CASE MANAGEMENT SYSTEM PARTICIPATING EMAIL ADDRESSES

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
REI Communications	TX287	Christy@reicommunications.com	No
Vycera Communications, Inc.	TX415	dgietzen@vycera.com	No

Matilda Sanders

PSC-08-0634-CO-TX

080444

From:

Gloria Ross

Sent:

Tuesday, September 30, 2008 9:56 AM

To:

CLK - Orders / Notices

Cc:

Timisha Brooks; Adam Teitzman

Subject:

Order / Notice Submitted

Date and Time:

9/30/2008 9:54:00 AM

Docket Number:

080424-TX

Filename / Path:

1:\2008\080424\080424TX CO ord (2).doc

FPSC, CLK - CORRESPONDENCE

XAdministrative_Parties_Consumer

DOCUMENT NO. 08088-08

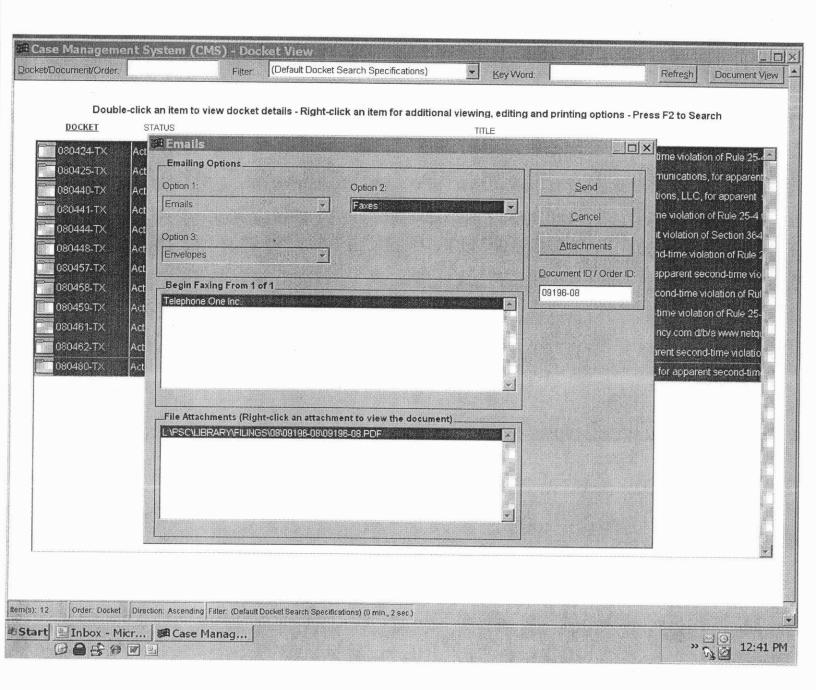
DISTRIBUTION:

CONSUMMATING ORDER (Multiple Dockets)

| faxed O mailed || emailed |2 certified

FLORIDA PUBLIC SERVICE COMMISSION CASE MANAGEMENT SYSTEM PARTICIPATING EMAIL ADDRESSES

PARTY NAME	COMPANY CODE	jessiewooden@yahoo.com No rferranti@amphone.com No jmhancock@comcast.net No emaldonado@dsli.net No ccheshire@hbss.net No				
America's Choice Communications Corp	TX887	jessiewooden@yahoo.com	No			
American Phone Services Corp.	TX697	rferranti@amphone.com	No			
DialTek, LLC d/b/a DTK Telecommunications, LLC	TX323	jmhancock@comcast.net	No			
DSLi	TX609	emaldonado@dsli.net	No			
Georgia Public Web, Inc.	TX618	ccheshire@hbss.net	No			
REI Communications	- TX287	Christy@reicommunications.com	No			
Sun-Tel USA, Inc.	TX330	Jahan@suntelusa.com	No			
Super-Tel.Com, Inc.	TX665	TomTerwilliger@hotmail.com	No			
VGM International, Inc.	TX596	galina@vgmtel.com	No			
Vycera Communications, Inc.	TX415	dgietzen@vycera.com	No			
www.netquincy.com	TX686	reaton@myquincy.net	No			



Commission Clerk

080444

From:

Commission Clerk

Sent:

Wednesday, September 03, 2008 2:17 PM

Subject:

Order or Notice issued by the Public Service Commission (Email ID = 702069)

Attachments: 08069-08.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

FPSC, CLK - CORRESPONDENCE

XAdministrative Parties Consumer

DOCUMENT NO. 02028-08

DISTRIBUTION:

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Compliance investigation of CLEC | DOCKET NO. 080424-TX Certificate No. 5806, issued to Telephone One Inc., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Compliance investigation of CLEC Certificate No. 6068, issued to Rebound Enterprises, Inc. d/b/a REI Communications, for apparent violation of Section 364.183(1), F.S., Access to Company Records and apparent second-time violation of Rule 25-4.0161, Regulatory Assessment Fees; F.A.C., Telecommunications Companies.

Compliance investigation of CLEC Certificate No. 7209, issued to DialTek, LLC d/b/a DTK Telecommunications, LLC, for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Compliance investigation of CLEC Certificate No. 7126, issued to Sun-Tel USA, Inc., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees: Telecommunications Companies.

In re: Compliance investigation of CLEC Certificate No. 7413, issued to Vycera Communications, Inc., for apparent violation of Section 364.183(1), F.S., Access to Company Records and apparent second-time violation of Rule 25-4.0161, F.A.C.. Regulatory Assessment Fees: Telecommunications Companies.

DOCKET NO. 080425-TX

DOCKET NO. 080440-TX

DOCKET NO. 080441-TX

DOCKET NO. 080444-TX

DOCUMENT NUMBER-DATE 08069 SEP-38 FPSC-COMMISSION CLERK

Compliance investigation of CLEC DOCKET NO. 080448-TX In re: Certificate No. 7910, issued to VGM International, Inc., for apparent second-time violation of Rule 25-4.0161. F.A.C., Regulatory Assessment Fees: Telecommunications Companies.

Compliance investigation of CLEC In re: Certificate No. 7941, issued to DSL Internet Corporation d/b/a DSLi, for apparent secondtime violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees: Telecommunications Companies.

DOCKET NO. 080457-TX

Compliance investigation of CLEC Certificate No. 7986, issued to Georgia Public Web, Inc., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees: Telecommunications Companies.

DOCKET NO. 080458-TX

Compliance investigation of CLEC Certificate No. 7696, issued to Super-Tel.Com, Inc., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 080459-TX

Compliance investigation of CLEC Certificate No. 8216, issued to City of Quincy d/b/a netquincy d/b/a netquincy.com d/b/a www.netquincy.com, for apparent second-time F.A.C., violation of Rule 25-4.0161, Regulatory Assessment Fees: Telecommunications Companies.

DOCKET NO. 080461-TX

Compliance investigation of CLEC Certificate No. 8253, issued to American Phone Services Corp., for apparent secondtime violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees: Telecommunications Companies.

DOCKET NO. 080462-TX

In re: Compliance investigation of CLEC Certificate No. 8638, issued to America's Choice Communications Corp, for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 080480-TX ORDER NO. PSC-08-0568-PAA-TX ISSUED: September 3, 2008

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING PENALTIES AND COLLECTION COSTS, AND REQUIRING PAYMENT OF DELINQUENT REGULATORY ASSESSMENT FEES, OR CANCELLING COMPETITIVE LOCAL EXCHANGE CARRIER CERTIFICATES FOR VIOLATION OF RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Pursuant to Rule 25-4.0161(10), Florida Administrative Code, telecommunications companies that fail to pay the Regulatory Assessment Fee, including statutory late payment charges, within 15 days after receiving a delinquent notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. The penalty amounts include collection costs. If an entity fails to pay the Regulatory Assessment Fee in full, including any statutory late payment charges, along with the penalty amount, that entity's Competitive Local Exchange Carrier (CLEC) certificate shall be cancelled.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the Regulatory Assessment Fee return forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due.

The Division of Administrative Services advised our staff that the entities listed below failed to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. In addition, each entity listed below has had a prior docket for the same rule violation in which each entity proposed a settlement or paid the penalty imposed to resolve its respective docket. The entities without an asterisk (*) before their names have not paid the fee. Those entities marked with an asterisk (*) before the name, paid the fee and accrued late

payment charges more than 15 days after receipt of the delinquent notice. The entity marked with two asterisks (**) before the name, paid the fee more than 15 days after receipt of the delinquent notice but owes statutory late payment charges.

ENTITY'S NAME	CO. CODE	DOCKET NO.
Telephone One Inc.	TX280	080424-TX
Rebound Enterprises, Inc. d/b/a REI Communications	TX287	080425-TX
DialTek, LLC d/b/a DTK Telecommunications, LLC	TX323	080440-TX
*Sun-Tel USA, Inc.	TX330	080441-TX
Vycera Communications, Inc.	TX415	080444-TX
VGM International, Inc.	TX596	080448-TX
DSL Internet Corporation d/b/a DSLi	TX609	080457-TX
*Georgia Public Web, Inc.	TX618	080458-TX
** Super-Tel.Com, Inc.	TX665	080459-TX
* City of Quincy d/b/a netquincy d/b/a netquincy.com d/b/a www.netquincy.com	TX686	080461-TX
American Phone Services Corp.	TX697	080462-TX
America's Choice Communications Corp	TX887	080480-TX

Accordingly, we hereby find it appropriate to cancel each entity's CLEC certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless each entity pays a penalty and cost of collection, together totaling \$1,000, and remits any past due Regulatory Assessment Fees, along with accrued statutory late payment charges, to the Florida Public Service Commission.

If this Order is not protested, each entity's respective CLEC certificate shall be cancelled. If an entity pays the penalty and cost of collection, together totaling \$1,000, and remits any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's respective CLEC certificate will remain active. If an entity fails to protest the Order or pay the penalty and cost of collection, together totaling \$1,000, and fails to remit any past due Regulatory Assessment Fees. along with any accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's CLEC certificate should be cancelled administratively. and the collection of any past due Regulatory Assessment Fees should be referred to the Florida Department of Financial Services for further collection efforts. If an entity's CLEC certificate is cancelled in accordance with this Commission's Order, that company should be required to immediately cease and desist providing competitive local exchange service in Florida. This docket should be closed administratively either upon receipt of the payment of the penalty and cost of collection, together totaling \$1,000, and any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges from each entity, or upon cancellation of that entity's CLEC certificate. If an entity's CLEC certificate is cancelled in accordance with this Order and it subsequently decides to reapply as a telecommunications company, that entity shall be required to first pay the penalty and cost of collection, together totaling \$1,000 and any outstanding fees, including accrued statutory late payment charges. We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein shall pay a penalty and cost of collection, together totaling \$1,000, and any past due Regulatory Assessment Fees, including any statutory late payment charges, to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, by the end of the protest period. The cost of collection will be subtracted from any monies collected as payments (full or partial) of the penalty and cost of collection, and will be deposited, along with the past due Regulatory Assessment Fees, in the Florida Public Service Commission Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. The statutory late payment charges and any portion of the penalty exceeding the cost of collection 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. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's respective certificate shall be cancelled. It is further

ORDERED that the cancellation of the certificate in no way diminishes any of the entities' obligation to pay applicable delinquent Regulatory Assessment Fees, and any accrued statutory late payment charges. If any company listed in this Order has its respective certificate cancelled, and subsequently decides to reapply for certification as a telecommunications

company, that company shall be required to first pay any outstanding penalties and cost of collection and fees, including accrued statutory late payment charges. Any unpaid Regulatory Assessment Fees, and accrued statutory late payment charges, shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if an entity's certificate is cancelled in accordance with this Order, that entity shall immediately cease and desist providing competitive local exchange telecommunications service in Florida. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, these dockets shall be closed upon receipt of the imposed penalty and cost of collection, together totaling \$1,000, and any Regulatory Assessment Fees, including statutory late payment charges, from each entity or upon cancellation of that entity's CLEC certificate.

By ORDER of the Florida Public Service Commission this 3rd day of September, 2008.

Ann Cole

Commission Clerk

(SEAL)

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 24, 2008.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

Commission Clerk

done faxed 09/05/08

From:

System Administrator

To:

dgietzen@vycera.com

Sent:

Friday, September 05, 2008 4:11 PM

Subject:

Undeliverable: Order or Notice issued by the Public Service Commission (Email ID = 702069)

Your message did not reach some or all of the intended recipients.

Subject:

Order or Notice issued by the Public Service Commission (Email ID = 702069)

Sent:

9/3/2008 2:17 PM

The following recipient(s) could not be reached:

dgietzen@vycera.com on 9/5/2008 4:11 PM

Could not deliver the message in the time limit specified. Please retry or contact your administrator.

<mail.psc.state.fl.us #4.4.7>

Matilda Sanders

6e-03-0568-PAB-TX

From: Sent:

Gloria Ross

Tuesday, September 02, 2008 11:43 AM

To:

CLK - Orders / Notices

Cc:

Timisha Brooks

Subject:

Order / Notice Submitted

Date and Time:

9/2/2008 11:42:00 AM

Docket Number:

080424-TX

Filename / Path:

1:\2008\080424\080424 ord_tb.doc

Order Type:

Imposes Fine

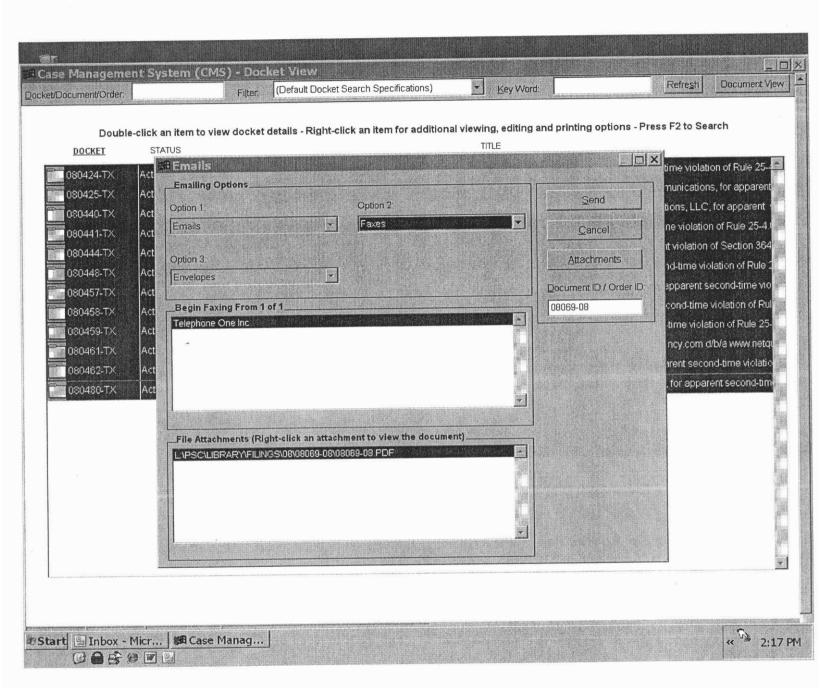
ADMINISTRATIVE

RAF Order in multiple Dockets

1 faxed O mailed Il cmailed 12 certified

FLORIDA PUBLIC SERVICE COMMISSION CASE MANAGEMENT SYSTEM PARTICIPATING EMAIL ADDRESSES

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY		
America's Choice Communications Corp	TX887	jessiewooden@yahoo.com	No		
American Phone Services Corp.	TX697	rferranti@amphone.com	No		
DialTek, LLC d/b/a DTK Telecommunications, LLC	TX323	jmhancock@comcast.net	No		
DSLi	TX609	emaldonado@dsli.net	No		
Georgia Public Web, Inc.	TX618	ccheshire@hbss.net	No		
REI Communications	TX287	Christy@reicommunications.com	No		
Sun-Tel USA, Inc.	TX330	FJbabadi@yahoo.com	No		
Super-Tel.Com, Inc.	TX665	TomTerwilliger@hotmail.com	No		
VGM International, Inc.	TX596	galina@vgmtel.com	No		
Vycera Communications, Inc.	TX415	dgietzen@vycera.com	No		
www.netquincy.com	TX686	reaton@myquincy.net	No		



Commission Clerk

System Administrator

From: To:

Christy@reicommunications.com

Sent:

Wednesday, September 03, 2008 2:17 PM

Subject:

Undeliverable: Order or Notice issued by the Public Service Commission (Email ID = 702069)

Your message did not reach some or all of the intended recipients.

Subject:

Order or Notice issued by the Public Service Commission (Email ID = 702069)

Sent:

9/3/2008 2:17 PM

The following recipient(s) could not be reached:

Christy@reicommunications.com on 9/3/2008 2:17 PM

There was a SMTP communication problem with the recipient's email server. Please contact your system administrator. <mail.psc.state.fl.us #5.5.0 smtp;550 sorry, no mailbox here by that name (#5.1.1)>

Section 1 - Office of Commission Clerk

Docket No. 080444-TX Date Docketed: 07/08/2008 Title: Compliance investigation of CLEC Certificate No. 7413, issued to Vycera Communications, Inc., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Company: Vycera Communications, Inc. Fees; Telecommunications Companies. FPSC, CLK - CORRESPONDENCE Administrative Parties Consumer DOCUMENT NO. 08088-08 DISTRIBUTION: Official Filing Date: _____ Expiration: Last Day to Suspend: Referred to: (CMP) SCR ("()" indicates OPR) Section 2 - OPR Completes and returns to CLK in 10 workdays. Time Schedule Program Module A18(a); A10 WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 **Staff Assignments** Due Dates OPR Staff O Current CASR revision level Previous Current 2. 3. 4. 5. 6. 7. Staff Counsel 8. 9. 10. **OCRs** 11. 12. 13. 14, 16. 17. 18. 19. 20. 21. 22. 23, 24. 25. 26. 28. 29. Recommended assignments for hearing 30. and/or deciding this case: 31. 32. Full Commission ___ Commission Panel __ Hearing Examiner __ Staff ___ 33. 34. 35. Date filed with CLK: 36. 37. Initials OPR 38. Staff Counsel ___ 39. 40. Section 3 - Chairman Completes Assignments are as follows: - Hearing Officer(s) Prehearing Officer Commissioners Hrq Staff Commissioners ADM Exam ALL CT ED | AG CT AG SK Where panels are assigned the senior Commissioner is Panel Chairman:

the identical panel decides the case.

assigned the full Commission decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is

Approved:

Date:

Section 1 - Office of Commission Clerk

Docket No. <u>080444-TX</u> Date Docketed: <u>07/08/2008</u> Title: Compliance investigation of CLEC Certificate No. 7413, issued

to Vycera Communications, Inc., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment

Company: Vycera Communications, Inc. Fees; Telecommunications Companies.

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PSC/CLK015-C (Rev. 04/07)

the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Date:

Section 1 - Office of Commission Clerk

Company: Vycera Communications, Inc.

Docket No. 080444-TX Date Docketed: 07/08/2008 Title: Compliance investigation of CLEC Certificate No. 7413, issued to Vycera Communications, Inc., for apparent violation of Section 364.183(1), F.S., Access to Company Records and second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Official Filing Date: ___ Expiration: Last Day to Suspend: ___ Referred to: ADM ECR GCL PIF (RCP) X ("()" indicates OPR) X X Section 2 - OPR Completes and returns to CLK in 10 workdays. Time Schedule WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT Program Module A18(a); A10 IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Staff Assignments **Due Dates** 1 Current CASR revision level OPR Staff M Watts, P Isler Previous Current PAA Order - Compliance Investigation SAME 08/25/2008 1. 2. Staff Recommendation NONE 09/04/2008 3. Agenda NONE 09/16/2008 PAA Order 4. NONE 10/06/2008 5. Close Docket or Revise CASR NONE 01/29/2009 6. 7. **Staff Counsel** T Brooks, L Tan 8. 9. 10. T Hunter, G Shafer OCRs (SGA) 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. Recommended assignments for hearing 30. and/or deciding this case: 31. 32. Full Commission X Commission Panel 33. Hearing Examiner Staff 34. 35. Date filed with CLK: <u>08/26/2008</u> 36. 37. Initials OPR 38. Staff Counsel 39. Section 3 - Chairman Completes Assignments are as follows: - Hearing Officer(s) **Prehearing Officer** Commissioners Commissioners Hrg Staff ADM

PSC/CLK015-C (Rev. 04/07)

ED

MM

the identical panel decides the case.

AG

assigned the full Commission decides the case.

SK

ALL

X

CT

CT

ED

MM

Approved:

Date:

Exam

Where panels are assigned the senior Commissioner is Panel Chairman:

Where one Commissioner, a Hearing Examiner or a Staff Member is