

VOTE SHEET

September 29, 2008

Docket No. 060614-TC – Compliance investigation of TCG Public Communications, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records, and determination of amount and appropriate method for refunding overcharges for collect calls made from inmate pay telephones. (Deferred from the September 16, 2008 Commission Conference)

(Portions of the recommendation are based on confidential material and access to the material is controlled.

Issue 1: Is TCG the appropriate certificated entity to be held responsible for the improper disconnection of inmate calls caused by the Three-Way Call Detection software?

Recommendation: Yes, TCG is the appropriate certificated entity to be held responsible for the improper disconnection of inmate calls caused by the Three-Way Call Detection software.

DEFERRED

parties and staff were directed to work together and report to the Commissioners regarding settlement negotiations within the next 30 days.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

no a. do
Katrina J. McMurrin
[Signature]
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 2: Should the Commission accept TCG Public Communications, Inc.'s proposed settlement offer to make available a settlement pool in the amount of \$175,000 from which customers who were affected by the improper disconnection of inmate calls caused by the Three-Way Call Detection software may obtain a refund?

Recommendation: No, the Commission should not accept TCG Public Communications, Inc.'s proposed settlement offer to make available a settlement pool in the amount of \$175,000 from which customers who were affected by the improper disconnection of inmate calls caused by the Three-Way Call Detection software may obtain a refund.

Issue 3: Should the Commission order TCG Public Communications, Inc. to dispose of refunds up to the maximum amount of \$6,290,450, plus interest, for the improper disconnection of inmate calls due to the implementation of the Three-Way Call Detection software?

Recommendation: Yes, the Commission should order TCG Public Communications, Inc. to dispose of refunds up to the maximum amount of \$6,290,450, plus interest, calculated in accordance with Rule 25-4.114, F.A.C., Refunds, for the improper disconnection of inmate calls due to the implementation of the Three-Way Call Detection software. TCG should remit the refund, plus interest, directly to the Florida Public Service Commission for deposit into the General Revenue Fund within 30 days of the issuance of the Consummating Order.

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Issue 4: Should the Commission order TCG Public Communications, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be penalized in the amount of \$1,266,000 for its apparent violation of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service, Section 364.183(1), Florida Statutes, Access to Company Records, and for its apparent violation of Section 364.604 (2), Florida Statutes, Billing Practices?

Recommendation: Yes, the Commission should order TCG Public Communications, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be penalized in the amount of \$1,266,000 for its apparent violation of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service, Section 364.183(1), Florida Statutes, Access to Company Records, and for its apparent violation of Section 364.604 (2), Florida Statutes, Billing Practices. The company's response should contain specific allegations of facts and law. If TCG fails to respond to the show cause order or request a hearing, pursuant to Section 120.57, F.S., within the 21-day response period, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If TCG pays the penalty it should be submitted to the Commission for deposit into the General Revenue Fund, pursuant to Section 364.285, F.S.

Issue 5: Should this docket be closed?

Recommendation: If the Commission approves staff recommendations for Issues 1, 2, and 3 and no person whose substantial interests are affected by the Proposed Agency Action files a protest within 21 days of the issuance of the order, a Consummating Order will be issued. Upon issuance of the Consummating Order TCG should remit all refunds, with interest, to the Commission to be deposited in the General Revenue Fund within 30 days after the issuance of the Consummating Order.

If the Commission approves staff's recommendation for Issue 4 and TCG does not respond to the Show Cause Order, the penalty should be deemed assessed. If TCG pays the penalty it should be remitted to the Commission to be deposited into the General Revenue Fund, pursuant to Section 364.285, F.S.

Upon payment of the refund and penalties this docket should be closed administratively.