

VOTE SHEET

NOVEMBER 4, 1997

RE: DOCKET NO. 971244-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 1550 issued to La Nueva Estrella Restaurant, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees, and Rule 25-24.520, F.A.C., Reporting Requirements.

Issue 1: Should the Commission impose a \$500 fine or cancel La Nueva's Pay Telephone Certificate No. 1550 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalties and interest, are not received by the Commission within 5 business days after the conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and the regulatory assessment fees, including statutory penalties and interest, are not received, certificate number 1550 should be canceled.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in majority column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

11420 NOV-55

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission impose a \$500 fine or cancel La Nueva's Pay Telephone Certificate No. 1550 for apparent violation of Rule 25-24.520, Florida Administrative Code, Reporting Requirements?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and information required by Rule 25-24.520, Florida Administrative Code, are not received by the Commission within 5 business days after the conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the required information and fine are not received, certificate number 1550 should be canceled.

**APPROVED**

Issue 3: Should the Commission order all certificated local exchange companies (LECs) to discontinue providing service to La Nueva if certificate number 1550 is canceled?

Recommendation: Yes. The Commission should order all certificated local exchange companies to discontinue providing service to La Nueva if La Nueva's certificate is canceled at the conclusion of the protest period for failure to submit the delinquent regulatory assessment fees, submit the required information, and pay the fines required in Issues 1 and 2. The Order should state that any LEC providing service to La Nueva must contact the Commission at the conclusion of the protest period set forth in the Order to determine whether the certificate has been canceled.

**APPROVED**

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Issue 4: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines and fees, and receipt of the required information, or cancellation of the certificate, this docket should be closed.

**APPROVED**