

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JUNE 29, 1999

RE: DOCKET NO. 990735-TC - Initiation of show cause proceedings against Lupton Industries for apparent violation of Rule 25-24.515, F.A.C., Pay Telephone Service.

Issue 1: Should Lupton Industries be ordered to show cause why a fine of \$100 for apparent violation of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service, should not be imposed or Certificate No. 2406 should not be canceled?

Recommendation: Yes. The Commission should order Lupton to show cause in writing within 21 days of the date of the order why it should not have Certificate No. 2406 canceled or be fined \$100 for apparent violation of Rule 25-24.515, Florida Administrative Code. Lupton's response must contain specific allegations of fact or law. If Lupton fails to respond to

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

[Handwritten notes in remarks section]

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the show cause, and the fine is not paid after reasonable collection efforts by the Commission, Certificate No. 2406 should be canceled. If the fine is paid it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Lupton will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If Lupton timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If the fine is paid, it should be forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes, and this docket should be closed. Staff recommends that if Lupton fails to respond to the Order to Show Cause, and the fine is not received within five business days after expiration of the show cause response period, Lupton's certificate should be canceled and this docket closed.

APPROVED