

VOTE SHEET

JULY 27, 1999

RE: DOCKET NO. 990783-TC - Initiation of show cause proceedings against The Train-Tel Company for apparent violation of Rule 25-24.515, F.A.C., Pay Telephone Service, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Issue 1: Should The Train-Tel Company be ordered to show cause why a fine of \$1,400 for apparent violations of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service, should not be imposed or Certificate No. 5016 should not be canceled?

Recommendation: Yes. The Commission should order Train-Tel to show cause in writing within 21 days of the date of the order why it should not have Certificate No. 5016 canceled or be fined \$1,400 for apparent violation of Rule 25-24.515, Florida Administrative Code. Train-Tel's response must contain specific allegations of fact or law. If Train-Tel fails to respond to the show cause, and the fine is not paid after reasonable collection

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]
Susan Clark
Joe [unclear]
[unclear]

REMARKS/DISSENTING COMMENTS:

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efforts by the Commission, Certificate No. 5016 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.

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Issue 2: Should The Train-Tel Company be ordered to show cause why a fine of \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, should not be imposed?

Recommendation: Yes. The Commission should order Train-Tel to show cause in writing within 21 days of the date of the order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code. Train-Tel's response must contain specific allegations of fact or law. If Train-Tel fails to respond to the show cause order, the fines should be deemed assessed. If the fines and regulatory assessment fees, along with statutory penalties and interest, are not paid within 5 business days after the Order becomes final, it should be forwarded to the Office of the Comptroller for collection. 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.

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Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Train-Tel 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 staff's recommendation in Issue 2 is approved, then Train-Tel 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. If Train-Tel timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Train-Tel does not respond to the show cause order, and the fines and fees, including statutory penalties and interest, are not received within five business days after expiration of the show cause response period, then Train-Tel's certificate should be canceled for the violations cited in Issue 1 and the fines in Issue 2 should be imposed for the violations cited in Issue 2. This docket can then be closed administratively.

APPROVED