

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 27, 1999

RE: DOCKET NO. 990886-TC - Initiation of show cause proceedings against Leasorte Enterprises, Inc. for apparent violations of Rule 25-24.515, F.A.C., Pay Telephone Service, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Issue 1: Should Leasorte Enterprises, Inc. (Leasorte) be ordered to show cause why a fine of \$1,500 for apparent violations of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service, should not be imposed or Certificate No. 2746 should not be canceled?

Recommendation: Yes. The Commission should order Leasorte to show cause in writing within 21 days of the date of the order why it should not have Certificate No. 2746 canceled or be fined \$1,500 for apparent violation of Rule 25-24.515, Florida Administrative Code. Leasorte's response must contain specific allegations of fact or law. If Leasorte fails to respond to the show cause, and the fine is not paid after reasonable collection

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Staff to advise

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efforts by the Commission, Certificate No. 2746 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.

Issue 2: Should Leasorte be ordered to show cause why a fine of \$25,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be imposed?

Recommendation: Yes. The Commission should order Leasorte to show cause in writing within 21 days of the date of the order why it should not be fined \$25,000 for apparent violation of Rule 25-4.043, Florida Administrative Code. Leasorte's response must contain specific allegations of fact or law. If Leasorte fails to respond to the show cause order, the fine should be deemed assessed. If the fine is 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 Issues 1 and 2 are approved, then Leasorte 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 Leasorte timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If the fines are paid, they should be forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.281(1), Florida Statutes, and this docket closed. If Leasorte does not respond to the show cause order, and the fines are not received within five business days after expiration of the show cause response period, then the fines in Issue 1 and 2 should be imposed and Leasorte's certificate should be canceled. This docket can then be closed administratively.