

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 16, 1999

RE: Cancellation by Florida Public Service Commission of pay telephone certificates or violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

- DOCKET NO. 991203-TC - Myles Krane
- DOCKET NO. 991210-TC - Beacon Service Station Inc.
- DOCKET NO. 991211-TC - Kent Enterprises, Inc.
- DOCKET NO. 991243-TC - Gerald Rote II
- DOCKET NO. 991244-TC - Neil D. Smith d/b/a KMS Technologies
- DOCKET NO. 991245-TC - Wayne W. Wragg

Issue 1: Should the Commission impose a \$500 fine or cancel the pay telephone certificates issued to each company listed on page 4 of staff's November 4, 1999 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's certificate listed on page 4 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after issuance of the Consummating Order. 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

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan J. Clark

Joe Farnsworth

J. James

[Signature]

REMARKS/DISSENTING COMMENTS:

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regulatory assessment fees, including statutory penalty and interest charges, are not received, the pay telephone certificates listed on page 4 should be canceled administratively.

APPROVED

Issue 2: Should these dockets be closed?

Recommendation: Yes, these dockets should be closed upon receipt of the fine and fees or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the proposed agency action order.

APPROVED