

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 21, 1999

RE: DOCKET NO. 991664-TX - Initiation of show cause proceedings against Richard Austin for apparent violation of Rule 25-24.805, F.A.C., Certificate of Public Convenience and Necessity Required.

Issue 1: Should the Commission order Richard Austin to show cause why a fine of \$25,000 should not be imposed for apparent violation of Rule 25-24.805, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

Recommendation: Yes. The Commission should order Richard Austin to show cause in writing within 21 days of issuance of the Commission's order why he should not be fined \$25,000 for apparent violation of Rule 25-24.805, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. Mr. Austin's response should contain specific allegations of fact or law. If Richard Austin fails to respond to the show cause order, the fine should be deemed assessed. If the fine is not paid

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Susan J. Clark*  
*John J. ...*  
*J. ...*  
*...*

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REMARKS/DISSENTING COMMENTS:

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within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fines are paid, they should 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 Mr. Richard Austin will have 21 days from issuance of the Commission's show cause order to respond in writing why he should not be fined in the amount proposed. If Mr. Richard Austin timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Mr. Richard Austin fails to respond to the show cause order, the fine will be deemed assessed. If the fine is not received within ten business days after expiration of the show cause response period, it should be forwarded to the Office of the Comptroller for collection and this docket may be closed administratively.

**APPROVED**