

VOTE SHEET

FEBRUARY 1, 2000

RE: DOCKET NO. 992032-TI - Initiation of show cause proceedings against Public Payphone U.S.A., Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Issue 1: Should Public Payphone U.S.A., Inc. be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be imposed or Certificate Number 5810 should not be canceled?

Recommendation: Yes. The Commission should order Public to show cause in writing within 21 days of issuance of the Commission's order why it should not have Certificate Number 5810 canceled or be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact or law. If Public fails to respond to the show cause, and the fine is not paid within 10 business days after the 21-day show cause period, Certificate Number 5810 should be canceled. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

WITHDRAWN

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01392 FEB-28

FPSC-RECORDS/REPORTING

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(Continued from previous page)

Issue 2: Should the Commission order Public Payphone U.S.A., Inc. to provide a written response addressing the questions in staff's August 9, 1999, correspondence (Attachment A to staff's January 20, 2000 memorandum) within ten business days of issuance of the Commission's order?

Recommendation: Yes. The Commission should order Public to provide a written response addressing the questions in staff's August 9, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order. If the information is not provided in accordance with the Commission order, a show cause proceeding may be initiated.

WITHDRAWN

Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Public will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not have its certificate canceled or be fined in the amount proposed. If Public timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. This docket should also remain open pending receipt of the information requested in staff's August 9, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order.

Staff recommends that if Public fails to respond to the order to show cause, and the fine is not received within ten business days after expiration of the show cause response period, the company's certificate should be canceled. If the requested information is not provided within ten business days of issuance of the Commission's order, this docket should remain open pending the initiation of further show cause proceedings. If Public provides the requested information, and pays the fine recommended in Issue 1, this docket should be closed.

WITHDRAWN