

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 1, 2000

RE: DOCKET NO. 991861-TI - Refund of overcharges by Coastal Telephone Company for overtiming intrastate long distance services, and initiation of show cause proceedings against Cincinnati Bell Inc. (formerly Eclipse Telecommunications, Inc., formerly Coastal Telephone Company) for Coastal's violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Issue 1: Should the Commission accept Coastal Telephone Company's offer to refund and refund calculation of \$4,892.36, plus interest of \$410.45, for a total of \$5,302.81, for overcharging subscribers by overtiming calling card intrastate long distance calls from March 1998 through March 1999?

Recommendation: Yes. The Commission should accept Coastal's offer to refund and refund calculation of \$4,892.36, adding interest of \$410.35, for a total of \$5,302.81, for overcharging subscribers by overtiming calling card intrastate long distance calls from March 1998 through March 1999.

**DEFERRED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS: *To the February 15, 2000 Commission Conference*

DOCUMENT NUMBER-DATE

01402 FEB-28

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The refund payment should be remitted to the Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), F.S., within 5 business days after issuance of the consummating order.

Issue 2: Should the Commission accept the company's settlement offer to resolve Coastal's apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should accept the company's settlement offer of \$2,500 for apparent violation of Rule 25-4.043, Response to Commission Staff Inquiries. Any contribution should be received by the Commission within ten business days from the issuance date of the Commission order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

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Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open pending remittance of the refund payment and resolution of any protest of Issue 1 filed within 21 days of issuance of the order by a person whose substantial interests are affected by the Commission's proposed agency action. If Issue 1 is not protested, it will become final and effective upon the issuance of a consummating order.

This docket should also remain open pending remittance of the \$2,500 voluntary contribution. Upon remittance of the settlement payment, this docket should be closed. If the company fails to pay in accordance with the terms of the settlement offer, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket may be closed administratively upon issuance of the order consummating Issue 1.