

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MARCH 28, 2000

RE: DOCKET NO. 000074-TX - Initiation of show cause proceedings against First Touch, Inc. for apparent violation of Rule 25-24.835, F.A.C., Records & Reports; Rules Incorporated, and Section 364.183(1), F.S., Access to Company Records.

Issue 1: Should the Commission order First Touch, Inc. to show cause why it should not be fined \$10,000 or have certificate number 5621 canceled for failure to provide the Commission access to information in accordance with Section 364.183(1), Florida Statutes, Access to Company Records?

Recommendation: Yes. The Commission should order First Touch, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 or have certificate number 5621 canceled for failure to provide the Commission access to information in accordance with Section 364.183(1), Florida Statutes, Access to Company Records. The company's response should contain specific allegations of fact and law. If First Touch, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes within the 21-day response period and the fine is not paid within ten business days after the

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Stat. John

Susan J. Clark

Joe Tarcia

J. Tompkins

[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03920 MAR 30 8

FPSC-RECORDS/REPORTING

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21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived and certificate number 5621 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.

APPROVED

Issue 2: Should the Commission order First Touch, Inc. to show cause in writing why it should not be fined \$500 for apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated?

Recommendation: Yes. The Commission should order First Touch, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated. The company's response should contain specific allegations of fact and law. If First Touch, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, the facts should be deemed admitted, the right to a hearing should be deemed waived and the fine should be deemed assessed. If the fine is not paid within ten 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.

APPROVED

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Issue 3: Should this docket be closed?

Recommendation: No. If staff's recommendations in Issues 1 and 2 are approved, this docket will remain open pending the outcome of the show cause proceedings. If First Touch, Inc. timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceedings.

Staff recommends that if First Touch, Inc. fails to respond to the Order to Show Cause for Issue 1 within the 21-day show cause response period and the fine is not received within ten business days after the expiration of the show cause response period, certificate number 5621 should be canceled and this docket may be closed administratively if all other issues are closed. If First Touch, Inc. fails to respond to the Order to Show Cause for Issue 2, the fine will be deemed assessed. If the fine is not received within ten business days after the 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 if all other issues are closed. If First Touch, Inc. pays the fines recommended in Issues 1 and 2, this docket should be closed.

APPROVED