

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

APRIL 18, 2000

RE: DOCKET NO. 992012-TC - Cancellation by Florida Public Service Commission of Pay Telephone Service Certificate No. 5892 issued to Payphone Service Company Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies; 25-24.520, F.A.C., Reporting Requirements; and 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Issue 1: Should the Commission impose a \$500 fine or cancel the pay telephone certificate issued to Payphone Service Company Inc. 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 Payphone Service Company Inc.'s certificate 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 the 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 regulatory assessment fees, including statutory penalty and interest charges, are not received, Pay Telephone Certificate No. 5892 should be canceled administratively.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04888 APR 20 00

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Issue 2: Should the Commission impose a \$500 fine or cancel the pay telephone certificate issued to Payphone Service Company Inc. for apparent violation of Rule 25-24.520, F.A.C., Reporting Requirements?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel Payphone Service Company Inc.'s certificate if the information required by Rule 25-24.520, F.A.C., Reporting Requirements, and fine are not received by the Commission within five business days after the 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 required information are not received, Pay Telephone Certificate No. 5892 should be canceled administratively.

APPROVED

Issue 3: Should Payphone Service Company Inc. be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, should not be imposed or Certificate No. 5892 should not be canceled?

Recommendation: Yes. The Commission should order Payphone Service Company to show cause in writing within 21 days of the issuance of the Commission's Order why it should not have Certificate No. 5892 canceled or be fined \$10,000 for apparent violation of Rule 25-4.043, F.A.C. The company's response should contain specific allegations of fact or law. If Payphone Service Company 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 No. 5892 should be canceled. If the fine is paid, it should be remitted by the Commission to the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

APPROVED

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Issue 4: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation on Issues 1 and 2, this docket should be closed upon issuance of a consummating order and upon receipt of the fines and fees, the required information, or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest to the proposed agency action within 21 days of the issuance of the Order.

Furthermore, if the Commission approves staff's recommendation in Issue 3, the company will have 21 days to respond in writing to the Commission's show cause order explaining why it should not have its certificate canceled or be fined in the amount proposed. If the company timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If the company fails to respond to the show cause order, this docket may be closed upon receipt of the fine and fees or cancellation of the certificate and upon issuance of an order consummating the Commission's proposed agency action in Issues 1 and 2.

APPROVED