

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

APRIL 18, 2000

RE: DOCKET NO. 981488-TI - Initiation of show cause proceedings against Accutel Communications, Inc. for Unlawful Billing Practices in violation of Section 364.10(1) and Section 364.604(2), F.S., and Insufficient Management Capability pursuant to Section 364.337(3), F.S.

Issue 1: Should the Commission, on its own motion, dismiss Accutel's September 8, 1999 Response to Order to Show Cause?

Recommendation: Yes. Accutel has failed to diligently pursue its Response to Order to Show Cause and has failed to comply with any aspect of the Order Establishing Procedure for this docket. In accordance with that Order, Order No. PSC-99-2496-PCO-TI, Accutel has waived the right to present any testimony and to raise any additional issues. Staff recommends, therefore, that Accutel's Response be dismissed.

APPROVED

COMMISSIONERS ASSIGNED: GR CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan J. Clark

[Signature]

[Signature]

REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the Commission require Accutel to pay the \$1,710,000 fine identified in Order No. PSC-99-1619-SC-TI?

Recommendation: Yes. Accutel has failed to show cause why it should not be fined in the amount of \$10,000 per infraction for a total of \$1,710,000 for its apparent violations of Sections 364.10 (1) and 364.604(2), Florida Statutes, Unlawful Billing Practices, and for Insufficient Management Capability, pursuant to Section 364.337(3), Florida Statutes. Therefore, the fine should be assessed. If the fine is not received within 10 days of the issuance of the Commission's order, the fine should be forwarded to the Office of the Comptroller for further collection efforts.

APPROVED

Issue 3: Should this Docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1 and 2, this Docket will require no further action, and may be closed.

APPROVED