

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 26, 2000

RE: Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

- DOCKET NO. 001156-TC - R. B. Construction U.S.A., Inc.
- DOCKET NO. 001169-TC - Cybertex Computer, Inc. d/b/a CTX Payphone Company
- DOCKET NO. 001170-TC - Michael Fritchman
- DOCKET NO. 001173-TC - Sandel Augustus Lumbart

Issue 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on page 4 of staff's September 14, 2000 memorandum 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 each company's certificate as listed on page 4 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

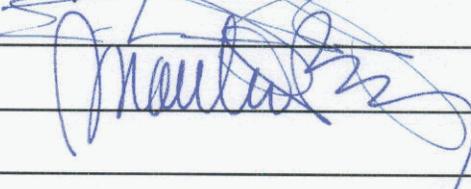
COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING





REMARKS/DISSENTING COMMENTS:

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penalty and interest charges, are not received, the pay telephone certificates listed on page 4 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

APPROVED

Issue 2: Should these dockets be closed?

Recommendation: Yes. These dockets should be closed upon receipt of the fine and fees or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order.

APPROVED