

VOTE SHEET

OCTOBER 17, 2000

RE: DOCKET NO. 000036-TI - Initiation of show cause proceedings against USLD Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context.

Issue 1: Should the Commission accept USLD Communications, Inc.'s offer of refund and refund calculation of \$33,718.50, adding interest of \$3,094.87, for a total of \$36,813.37, as required by Rule 25-4.114, Florida Administrative Code, Refunds, for overcharges to end users on intrastate 0+ calls placed from pay telephones and made in a call aggregator context from February 1, 1999, through March 31, 2000?

Recommendation: Yes. The Commission should accept USLD Communications, Inc.'s offer of refund and refund calculation of \$33,718.50, adding interest of \$3,094.87, for a total of \$36,817.37, as required by Rule 25-4.114, Florida Administrative Code, Refunds, for overcharging end users on intrastate 0+ calls placed from pay telephones and made in a call aggregator context from February 1, 1999, through March 31, 2000. Refunds should be credited to the affected end users' local exchange telephone bill by January 31, 2001. Any money not refunded, including interest, should be remitted to the Commission by July 31, 2001, and forwarded to the Office of

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

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the Comptroller for deposit in the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. USLD should be required to submit a preliminary report to the Commission by April 30, 2001, and a final report by July 31, 2001.

APPROVED

Issue 2: Should USLD Communications, Inc. be required to show cause why it should not pay a fine for over billing of calls in excess of the rate cap established in Rule 25-24.630, Florida Administrative Code, Rate and Billing Requirements?

Recommendation: No.

APPROVED

Issue 3: Should the Commission accept the \$5,000 settlement offer proposed by USLD Communications, Inc. to resolve the apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should accept the company's \$5,000 settlement proposal to resolve the apparent violation of Rule 25-4.043, Florida Administrative Code, 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. If USLD fails to pay in accordance with the terms of the settlement offer, the

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company's certificate should be canceled, and this docket should be closed. The settlement proposal is contingent upon the Commission's approval of staff's recommendation in Issue 1; therefore, if the Commission rejects Issue 1, Issue 2 is rendered moot.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: No. If no person whose interests are substantially affected by the proposed agency action files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's Order will become final upon issuance of a consummating order. This docket should, however, remain open pending the completion of the refund, receipt of the final report on the refund, and remittance of the \$5,000 voluntary contribution. After completion of the refund, receipt of the final refund report, and remittance of the \$5,000 voluntary contribution, this docket may be closed administratively. If the company fails to complete the refund or to pay the settlement contribution, this docket may be closed upon cancellation of USLD Communications, Inc.'s certificate.

APPROVED