

VOTE SHEET

DECEMBER 19, 2000

RE: DOCKET NO. 001317-TI - Initiation of show cause proceedings against RJM Card Services, Inc. for apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries; 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure; 25-24.915, F.A.C., Tariffs and Price Lists; 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies; and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

Issue 1: Should the Commission order RJM Card Services, Inc. to show cause why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. Staff recommends that Commission order RJM 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 6096 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact and law. If RJM 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 21-day response period, the facts

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Muhammad A. Palesti
Gla A. Jbe
J. Terry Deason
[Signature]
[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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should be deemed admitted, the right to a hearing should be deemed waived and certificate number 6096 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 RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$2,000 per violation, for a total of \$6,000, for apparent violations of Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure?

Recommendation: Yes. Staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$2,000 per violation, for a total of \$6,000, for apparent violations of Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure. The company's response should contain specific allegations of fact and law. If RJM 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, 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 21-day response period, it should be forwarded to the Office of the Comptroller for collection. 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.

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Issue 3: Should the Commission order RJM to show cause why it should not be fined \$5,000 for apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists?

Recommendation: Yes. Staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$5,000 for apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists. The company's response should contain specific allegations of fact and law. If RJM 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, 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 21-day response period, it should be forwarded to the Office of the Comptroller for collection. 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 4: Should the Commission order RJM to show cause why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. Staff recommends that the Commission order RJM 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 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. The company's response should contain specific allegations of fact and law. If RJM 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, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine and the 1999 Regulatory Assessment Fee, including statutory penalty and interest charges, should be deemed assessed. If the fine and the 1999 RAF, including statutory penalty and interest charges, are not paid within ten

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business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. 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 5: Should the Commission order RJM to show cause why it should not be fined \$500 for apparent violation of Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated?

Recommendation: Yes. Staff recommends that the Commission order RJM 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 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated. The company's response should contain specific allegations of fact and law. If RJM 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, 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 21-day response period, it should be forwarded to the Office of the Comptroller for collection. 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.

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Issue 6: Should this docket be closed?

Recommendation: No. If staff's recommendation in Issue 1 is approved, RJM will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If RJM timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If RJM fails to respond to the show cause order or pay the fine within ten business days after the expiration of the 21-day response period, certificate number 6096 should be canceled and this docket may be closed administratively.

If any of staff's recommendations in Issues 2, 3, 4 and 5 are approved, RJM will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed. If RJM 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, and the fines and fees, including statutory penalties and interest, are not received within ten business days after the expiration of the 21-day show cause response period, then the fines should be deemed assessed for the violations cited and forwarded to the Comptroller's Office for collection. This docket may then be closed administratively if Issue 1 is closed.

APPROVED