

VOTE SHEET

APRIL 3, 2001

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 Order No. PSC-99-2496-PCO-TI, Accutel has waived the right to present any testimony, to raise any additional issues, and its position on the issues. Staff recommends, therefore, that Accutel's Response to Order to Show Cause be dismissed.

APPROVED

COMMISSIONERS ASSIGNED: JC JB PL

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Plesch
John J. ...
[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04164 APR-40

FPSC-RECORDS/REPORTING

VOTE SHEET

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ISSUE 2: Should the Commission require Accutel to pay the \$1,710,000 fine identified in Order No. PSC-97-1619-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 deemed 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

ORIGINAL

The FLORIDA PUBLIC SERVICE COMMISSION announces a hearing to be held in the following docket, to which all interested persons are invited.

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.

DATE AND TIME: March 19, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the 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., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on March 5, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C. Any

person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

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COMMUNICATIONS SECTION