

VOTE SHEET

MAY 1, 2001

RE: DOCKET NO. 010206-TI - Initiation of show cause proceedings against Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

ISSUE 1: Should the Commission order Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications Inc. to show cause in writing why it should not be fined \$10,000 per violation, for a total of \$50,000, or have Certificate No. 7111 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. The Commission should order Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 per violation, for a total of \$50,000, or have Certificate No. 7111 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. Telquest's response should contain specific allegations of fact and law. If Telquest 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

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on four lines.

Four blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

05429 MAY-16

FPSC-REGULATORY REPORTING

VOIE SHEET

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within 10 business days after the end of the 21-day response period, then, in lieu of the fine, Certificate No. 7111 should be canceled administratively. 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 Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications Inc. 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. The Commission should order Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications Inc. 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 Telquest 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 and fees are not paid within ten business days after the Order becomes final, they should be forwarded to the Office of the Comptroller for collection. If the fine and fees are paid, the fine should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

APPROVED

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ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation in Issue 1 is approved, Telquest 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 Telquest timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Telquest fails to respond to the Order to Show Cause within the 21-day show cause response period and the fine is not received within ten business days after the expiration of the show cause response period, Certificate No. 7111 should be canceled and this docket may be closed administratively if all other issues are closed.

If staff's recommendation in Issue 2 is approved, Telquest 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. If Telquest timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Telquest fails to respond to the show cause order, the fine should be deemed assessed. If the fine and fees are not received within ten business days after the expiration of the show cause response period, they should be forwarded to the Office of the Comptroller for collection and this docket may be closed administratively if all other issues are closed.

APPROVED