

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

APRIL 23, 2002

RE: Docket No. 020186-TX - Compliance investigation of Smart City Networks for apparent violation of Section 364.183(1), F.S., Access to Company Records.

ISSUE 1: Should the Commission impose a penalty of \$5,000 or cancel Smart City's ALEC Certificate No. 5795 for its apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should impose a penalty of \$5,000 or cancel Smart City's ALEC Certificate No. 5795 if payment of the imposed penalty, including docket number and company name, is not received by the Commission within 14 calendar days after the issuance of the Consummating Order. The payment of the penalty should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and if payment of the penalty is not received within 14 calendar days after the issuance of the Consummating Order, then Smart City's certificate should be canceled administratively.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Andy Bradley

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, 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. The docket should then be closed upon receipt of the penalty or cancellation of Smart City's certificate.

APPROVED