

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 17, 2002

RE: Docket No. 021075-TX - Cancellation by Florida Public Service Commission of ALEC Certificate No. 7990 issued to Calvin Hardge d/b/a CAL-TEC Communications for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.835, F.A.C., Records & Reports; Rules Incorporated.

ISSUE 1: Should the Commission impose a total penalty of \$1,000 (\$500 for each rule violation) or cancel Calvin Hardge d/b/a CAL-TEC Communications' certificate for apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.835, Florida Administrative Code, and 25-24.835, Florida Administrative Code, Rules Incorporated, which incorporates 25-24.480, Florida Administrative Code, with an effective date of December 31, 2002?

RECOMMENDATION: Yes. The Commission should assess a total penalty of \$1,000 or cancel Calvin Hardge d/b/a CAL-TEC Communications' certificate for apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.835, Florida Administrative Code, and 25-24.835, Florida Administrative Code, Rules Incorporated, which incorporates 25-24.480, Florida Administrative Code, with an effective date of December 31, 2002, if the penalty, Regulatory Assessment Fees, including statutory penalty and

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on four lines.

Four blank horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

13723 DEC 17 2002

FPSC-COMMISSION CLERK

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interest charges, and the information required by Rule 25-24.835, Florida Administrative Code, Rules Incorporated, which incorporates 25-24.480, Florida Administrative Code, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The total penalty of \$1,000 should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company does not protest the Commission's Order, or if the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, and required information are not received in accordance with the Commission's Order, Calvin Hardge d/b/a CAL-TEC Communications' certificate should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If Calvin Hardge d/b/a CAL-TEC Communications' certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing alternative local exchange carrier service in Florida.

APPROVED

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 and fees and updated reporting requirements, or cancellation of the certificate.

APPROVED