

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 30, 2003

RE: Cancellation by Florida Public Service Commission of PATS certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

- Docket No. 030687-TC - Anthony T. Giansante d/b/a Smart Pay Phones of Florida
- Docket No. 030688-TC - Douglas C. Parrish, Jr.
- Docket No. 030689-TC - Payphones Unlimited Inc.
- Docket No. 030690-TC - George H. Meyer
- ~~Docket No. 030701-TC - David P. Mandeville~~ *defused*
- Docket No. 030703-TC - TDB Systems
- Docket No. 030704-TC - Lizabeth Perez
- Docket No. 030708-TC - Fikrat Tahhan
- Docket No. 030717-TC - Resource Express Inc.
- Docket No. 030719-TC - Intele - Management, LLC
- Docket No. 030721-TC - Kwik-Mart, Inc.
- Docket No. 030724-TC - Larry E. Sherman d/b/a Brevard Payphone Systems
- Docket No. 030725-TC - Clean Machine of South Beach, Inc.
- Docket No. 030726-TC - PSI International, Corp.
- Docket No. 030727-TC - Federal Correctional Institution Miami

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles W. Davis
Michael W. ...
...
...
Jerry Dewar
Judy Bradley

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09434 OCT-18

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Docket No. 030728-TC - Sovicha Corp.
Docket No. 030729-TC - @comm inc.
Docket No. 030730-TC - Advanced Communication Service USA Inc.
Docket No. 030731-TC - Donald Mark Deaton d/b/a Deaton Communications
Docket No. 030732-TC - Kim Kuczynski
Docket No. 030733-TC - Colony 14 Communications, Inc.
Docket No. 030734-TC - Jim H. Fluck d/b/a BSI
Docket No. 030735-TC - Noel C. Mackay
~~Docket No. 030736-TC - Woodrow J. Zeitlen~~ *deferred*
Docket No. 030742-TC - FTF, Inc.
Docket No. 030743-TC - Jorge E. Zapata
Docket No. 030691-TC - Lisa Karavokiris
Docket No. 030692-TC - J.K. Miami Corp.
Docket No. 030693-TC - Pancho Villas, Inc. d/b/a Taco Tex
Docket No. 030706-TC - Terry Alan Hall d/b/a Communicall
Docket No. 030707-TC - AmeriCall, Inc.
Docket No. 030710-TC - Publicall Telecommunications Inc.
Docket No. 030718-TC - K.C.I. Original Inc.
Docket No. 030720-TC - MAH Communications, Inc.
Docket No. 030722-TC - Donatella Communications LLC
Docket No. 030702-TC - The Train-Tel Company

ISSUE 1: Should the Commission impose a \$500 penalty or cancel each company's respective certificate, as listed on Attachment A of staff's September 18, 2003 memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: The Commission should impose a \$500 penalty or cancel each company's respective certificate, as listed on Attachment A of staff's memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should be paid to the Florida Public Service Commission. If a company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, that company's certificate, as listed on Attachment A, should be cancelled administratively and the

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collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If a company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing pay telephone service in Florida.

APPROVED

ISSUE 2: Should the Commission impose a \$1,000 penalty or cancel each company's respective certificate, as listed on Attachment B of staff's September 18, 2003 memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: The Commission should impose a \$1,000 penalty or cancel each company's respective certificate, as listed on Attachment B of staff's memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should be paid to the Florida Public Service Commission. If a company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, that company's certificate, as listed on Attachment B, should be cancelled administratively and the collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If a company's certificate, as listed on Attachment B, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing pay telephone service in Florida.

APPROVED

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ISSUE 3: Should the Commission cancel The Train-Tel Company's PATS Certificate No. 5016, as listed on Attachment C of staff's September 18, 2003 memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: The Commission should cancel The Train-Tel Company's Certificate No. 5016, as listed on Attachment C of staff's memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code. If the past due fee, including statutory penalty and interest charges, is not received within fourteen (14) calendar days after the issuance of the Consummating Order, the amount shall be turned over to the Florida Department of Financial Services for further collection efforts. If the Commission's Order is not protested, the company's Certificate No. 5016, as listed on Attachment C, should be cancelled administratively. If the company's certificate, as listed on Attachment C, is cancelled in accordance with the Commission's Order from this recommendation, The Train-Tel Company should be required to immediately cease and desist providing pay telephone service in Florida.

APPROVED

ISSUE 4: Should these dockets be closed?

RECOMMENDATION: The Orders issued from these recommendations will become final upon issuance of Consummating Orders, 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 Orders. The dockets should then be closed upon receipt of the penalty and fees or cancellation of each company's respective certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

APPROVED

*with deferral of the
noted dockets.*