

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 7, 2003

RE: Cancellation of tariffs and removal from register by Florida Public Service Commission of IXC registrations for violation of Sections 364.336 and 364.02, Florida Statutes.

- Docket No. 030759-TI - Zenex Long Distance, Inc.
- Docket No. 030768-TI - IG2, Inc.
- Docket No. 030769-TI - U.S. Operators, Inc.
- Docket No. 030773-TI - PDS, Inc. d/b/a Phone Debit Systems, Inc.
- Docket No. 030777-TI - SATCOM Communication Corporation d/b/a SATCOM Communication
- Docket No. 030788-TI - Far East Gateway, Inc.
- Docket No. 030797-TI - CityCom Telecommunications, Inc.
- Docket No. 030803-TI - Global Business Solutions and Services, Inc.
- Docket No. 030762-TI - Omniplex Communications Group, LLC
- Docket No. 030771-TI - Comtel Network LLC

ISSUE 1: Should the Commission impose a total penalty of \$1,000 (\$500 for each statute violation) or cancel each company's respective tariff and remove the company from the register, as listed on Attachment A of staff's September 25, 2003 memorandum, for apparent violation of Sections 364.336 and 364.02, Florida Statutes?

RECOMMENDATION: The Commission should impose a total penalty of \$1,000 (\$500 for the RAFs violation and \$500 for the Reporting Requirements violation) or cancel each company's respective tariff and remove the

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09696 OCT-7 03

FPSC-COMMISSION CLERK

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company from the register, as listed on Attachment A of staff's memorandum, for apparent violation of Sections 364.336 and 364.02, Florida Statutes, if the penalty, Regulatory Assessment Fees, including statutory penalty and interest charges, and the reporting requirements, 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. If a company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, and reporting requirements are not received, that company's tariff should be cancelled and the company removed from the register administratively, as listed on Attachment A, 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 tariff is cancelled and its name removed from the register, as listed on Attachment A, in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing intrastate interexchange service in Florida. If any of the companies listed on Attachment A have their respective tariff cancelled and name removed from the register, and subsequently decide to reapply for registration as an intrastate interexchange telecommunications company, that company should be required to first pay any outstanding penalties and RAF, including statutory penalty and interest charges.

**APPROVED**

ISSUE 2: Should the Commission impose a total penalty of \$1,500 (\$1,000 for RAFs violation and \$500 for reporting requirements violation) or cancel each company's respective tariff and remove the company from the register, as listed on Attachment B of staff's September 25, 2003 memorandum, for apparent violation of Sections 364.336 and 364.02, Florida Statutes?

RECOMMENDATION: The Commission should impose a total penalty of \$1,500 (\$1,000 for the RAFs violation and \$500 for the Reporting Requirements violation) or cancel each company's respective tariff and remove the company from the register, as listed on Attachment B of staff's memorandum, for apparent violation of Sections 364.336 and 364.02, Florida Statutes, if the penalty, Regulatory Assessment Fees, including statutory penalty and

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interest charges, and the reporting requirements, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The total penalty of \$1,500 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, and reporting requirements are not received, that company's tariff should be cancelled and the company removed from the register administratively, as listed on Attachment B, 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 tariff is cancelled and its name removed from the register, as listed on Attachment B, in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing intrastate interexchange service in Florida. If any of the companies listed on Attachment B have their respective tariff cancelled and name removed from the register, and subsequently decide to reapply for registration as an intrastate interexchange telecommunications company, that company should be required to first pay any outstanding penalties and RAF, including statutory penalty and interest charges.

**APPROVED**

ISSUE 3: 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 tariff and removal from the register of IXC registration. A protest in one docket should not prevent the action in a separate docket from becoming final.

**APPROVED**