

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 2, 2003

RE: Docket No. 030873-TX - Application for certificate to provide competitive local exchange telecommunications service by Utility USA, Inc.

ISSUE 1: Should the Commission accept Utility USA, Inc.'s offer to settle and grant Utility USA, Inc. a certificate to provide competitive local exchange telecommunications service within the state of Florida as provided by Section 364.337, Florida Statutes?

RECOMMENDATION: Yes. The Commission should accept Utility USA, Inc.'s offer to settle and grant Utility USA, Inc. Florida Public Service Commission Certificate No. 8419 to provide competitive local exchange telecommunications service within the state of Florida as provided by Section 364.337, Florida Statutes. The company should, however, be required to submit a price list at least one day prior to offering basic service. The payment of the past due regulatory assessment fees and statutory late payment charges, plus the \$500 penalty imposed in Docket No. 011278-TX, and the \$5,000 settlement for apparently operating Utility USA, Inc. without a certificate should be received by the Commission within fourteen calendar days after the issuance of the Consummating Order and should identify the docket number and the company's name. If the company

**DEFERRED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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fails to pay in accordance with its offer to settle, then the company's Certificate No. 8419 should be cancelled, and the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation on Issue 1, 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. This docket should remain open pending the receipt of the company's settlement proposal of \$500 penalty and regulatory assessment fees (2000, 2001, and 2002), plus statutory late payment charges for each year, and the \$5,000 settlement payment. Upon receipt of all payments, this docket should be closed administratively. If the company fails to make all of the proposed payments, this docket should be closed administratively, the company's certificate should be cancelled, and the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.