

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 6, 2004

RE: Docket No. 030968-TX - Cancellation by Florida Public Service Commission of CLEC Certificate No. 5625 issued to Choctaw Communications, Inc. d/b/a Smoke Signal Communications for violation of Rule 25-24.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

ISSUE 1: Should the Commission impose a \$1,000 penalty or cancel Choctaw Communications, Inc. d/b/a Smoke Signal Communications' certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.835, Florida Administrative Code?

RECOMMENDATION: The Commission should impose a \$1,000 penalty or cancel the company's certificate with an effective date of December 31, 2003, if the penalty and the Regulatory Assessment Fees, including statutory late payment 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 the Commission's Order is not protested and the penalty and Regulatory Assessment Fees, including statutory late payment charges, are not received, the company's Certificate No. 5625 should be cancelled administratively with an effective date of December 31, 2003, and the collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If Choctaw Communications, Inc. d/b/a Smoke Signal 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 competitive local exchange service in Florida.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Charles M. Danforth, Mark J. ... (illegible), ... (illegible), ... (illegible), Rudy Bradley.

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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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 and fees or cancellation of the certificate.

APPROVED