

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 20, 2004

RE: Docket No. 031106-TX - Compliance investigation of Kevin M. Brown d/b/a Miracle Communications for apparent violation of Rules 25-22.032, F.A.C., Customer Complaints, and 25-24.835, F.A.C., Rules Incorporated.

ISSUE 1: Should the Commission impose a \$10,000 penalty upon Miracle Communications for its apparent violation of Rule 25-22.032(5)(a), Florida Administrative Code, Consumer Complaints, to be paid to the Florida Public Service Commission within fourteen days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. The Commission should impose a \$10,000 penalty upon Miracle Communications for its apparent violation of Rule 25-22.032(5)(a), Florida Administrative Code, Consumer Complaints. If Miracle Communications fails to timely protest the Commission's Order and fails to pay the imposed penalty of \$10,000 within fourteen calendar days after the issuance of the Consummating Order, Certificate No. 7254 should be canceled and the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Charles M. Ponder, Mark Jaber, Matthew B... J. Henry Deane, Rudy Bradley

Blank lines for dissenting signatures

REMARKS/DISSENTING COMMENTS:

Commissioner Jaber participated in the conference by telephone. She agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

She agreed with/dissented from the majority

DOCUMENT NUMBER-DATE

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ISSUE 2: Should the Commission impose a penalty of \$500 upon Miracle Communications for its apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. The Commission should impose a \$500 penalty upon Miracle Communications for its apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated. If Miracle Communications fails to timely protest the Commission's Order and fails to pay the \$500 penalty within fourteen calendar days after the issuance of the Consummating Order, Certificate No. 7254 should be canceled and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

**APPROVED**

ISSUE 3: Should this docket be closed?

RECOMMENDATION: The Order issued from these recommendations will become final upon issuance of the 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. If the Commission's Order is not protested, this docket should be closed upon receipt of the payment of the penalties or cancellation of Certificate No. 7254.

**APPROVED**