

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 17, 2004

RE: Docket No. 031105-TX - Compliance investigation of Talk Unlimited Now, Inc. for apparent violation of Rules 25-22.032(5)(a), F.A.C., Customer Complaints, and 25-24.835, F.A.C., Rules Incorporated.

ISSUE 1: Should the Commission impose a penalty on Talk Unlimited Now, Inc. of \$10,000 per apparent violation, for a total of \$50,000, for the five apparent violations of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Talk Unlimited Now, Inc. fails to timely protest the Commission's Order and fails to pay the \$50,000 penalty within fourteen calendar days after the issuance of the Consummating Order, Certificate No. 8126 should be canceled and the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

APPROVED

- AUS
CAF
CMP
COM
CTR
ECR
GCL
OPC
MMS
SEC
OTH

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of commissioners in the majority column.

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.

DOCUMENT NUMBER-DATE

02303 FEB 18 04

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ISSUE 2: Should the Commission impose a \$500 penalty on Talk Unlimited Now, Inc. for apparent violation of Rules 25-24.835 and 25-24.480, Florida Administrative Code, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Talk Unlimited Now, Inc. 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. 8126 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 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. If the Commission's Order is not protested, this docket should be closed upon receipt of the payment of the penalties or the cancellation of the company's certificate.

**APPROVED**