

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MARCH 16, 2004

RE: Docket No. 030995-TI - Compliance investigation of Cybertel, Communications Corp. for apparent violations of Sections 364.02(13), 364.04, and 364.336, Florida Statutes.

Issue 1: Should the Commission accept Cybertel, Communications Corp.'s (Cybertel's) settlement offer to pay all outstanding Regulatory Assessment Fees (RAFs), including any statutory penalty and interest charges, resolve any outstanding consumer complaints, voluntarily contribute \$5,000 to the General Revenue Fund, pay the \$500 penalty imposed in PAA Order No. PSC-02-1443-PAA-TI, sell its Florida customer base to ComTech21, LLC, and discontinue providing intrastate interexchange telecommunications service in Florida effective February 12, 2004, to resolve the apparent violations of Sections 364.02(13), 364.04, and 364.336, Florida Statutes?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles W. Dool

Maurice

J. James

Stacy

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
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Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the proposed actions files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's Order will become final upon issuance of a Consummating Order. If the Commission's Order is not protested and Cybertel complies with its settlement offer, this docket should be closed administratively. If Cybertel fails to pay the Regulatory Assessment Fees owed, with penalty and interest, within 30 days of the issuance of the Consummating Order, this docket should remain open pending further proceedings.

APPROVED