

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MAY 3, 2004

RE: Docket No. 040129-TX - Compliance investigation of FLATEL, Inc. d/b/a Florida Telephone Company d/b/a Oscatel d/b/a Telephone USA for apparent violation of Rule 25-4.110(16), F.A.C., Customer Billing for Local Exchange Telecommunications Companies.

Issue 1: Should the Commission accept the settlement offer (Attachment A of staff's April 21, 2004 memorandum) proposed by FLATEL, Inc. d/b/a Florida Telephone Company d/b/a Oscatel d/b/a Telephone USA to resolve the apparent violation of Rule 25-4.110(16), Florida Administrative Code, Customer Billing of Local Exchange Telecommunications Companies?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Hank [unclear], [unclear], [unclear], Tom [unclear], Rudy Bradley.

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

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

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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. If the Commission's Order is not protested, FLATEL will have until August 9, 2004, to submit a written report to the Commission demonstrating that it has complied with the provisions of its settlement proposal. If staff determines that FLATEL has complied with the provisions of the Commission's Order, then this docket will be closed administratively. If FLATEL fails to demonstrate that it has complied with the provisions of the Commission's Order, then this docket should remain open pending further proceedings before the Commission.

APPROVED