

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 2, 2004

RE: Compliance investigations for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

- Docket No. 040841-TX - Tristar Communications Corp.
- Docket No. 040842-TX - Atlas Communications, Ltd.
- Docket No. 040843-TX -Max-Tel Communications, Inc. d/b/a Florida's Max-Tel Communications, Inc.
- Docket No. 040844-TX - Microsun Telecommunications, Inc.
- Docket No. 040849-TX - O1 Communications of Florida, LLC
- Docket No. 040854-TX - TalkingNets Holdings, LLC
- Docket No. 040855-TX - Mercury Long Distance, Inc.
- Docket No. 040856-TX - Direct Telephone Company, Inc.
- Docket No. 040857-TX - Lionhart of Miami, Inc. d/b/a Astral Communications
- Docket No. 040858-TX - Armour E611 Incorporated
- Docket No. 040859-TX - Gulf Coast Telecom, Inc.

Issue 1: Should the Commission impose a penalty and a cost of collection, together totaling \$500, or cancel the Competitive Local Exchange Carrier (CLEC) certificate for each company identified in Attachment A of staff's October 21, 2004 memorandum, with an effective date of December 31, 2004, for apparent violation of Rule

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Parnell
Stacy G...
Michael...
J. Terry...
Rudy Bradley

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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(Continued from previous page)

25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.835, Florida Administrative Code?

Recommendation: Yes.

APPROVED

Issue 2: Should these dockets be closed?

Recommendation: Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If any company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If any company fails to pay the penalty and cost of collection, together totaling \$500, and Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's certificate should be cancelled administratively and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. If any company's 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. These dockets should be closed administratively either upon receipt of the payment of the penalty and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's certificate.

APPROVED