

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 30, 2004

RE: Docket No. 041146-TX - Compliance investigation of TeleConex, Inc. d/b/a TeleConex for apparent violation of Rules 25-22.032(6)(b), F.A.C., Customer Complaints, and 25-24.835, F.A.C., Rules Incorporated.

Issue 1: Should the Commission impose a penalty upon TeleConex, Inc. d/b/a TeleConex in the amount of \$10,000 per apparent violation, for a total of \$410,000 for forty-one (41) apparent violations of Rule 25-22.032(6)(b), Florida Administrative Code, Customer Complaints?

Recommendation: Yes.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Charles W. Dard*  
*Matthew*  
*J. Terry*  
*Gregory*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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Issue 2: Should the Commission impose a penalty of \$500 upon TeleConex for its apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated?

Recommendation: Yes.

**APPROVED**

Issue 3: Should this docket be closed?

Recommendation: 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 TeleConex fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted, the right to a hearing waived, and the penalties should be deemed assessed. If TeleConex fails to timely protest the Commission's Order and fails to pay the penalties within fourteen (14) calendar days after the issuance of the Consummating Order, the company shall be required to immediately cease and desist providing competitive local exchange telecommunications service in the state of Florida and Certificate No. 5207 shall be cancelled. Should TeleConex respond to the Commission's Order, staff will at that time require the company to resolve the customer complaints as part of any settlement. This docket should be closed administratively upon either the receipt of the payment of the penalties or upon the cancellation of Competitive Local Exchange Certificate No. 5207.

**APPROVED**