

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 7, 2004

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

- Docket No. 040991-TC - Daytona International Speedway, Inc.
- Docket No. 040992-TC - Hollywood Billiards, Inc.
- Docket No. 040993-TC - Richard A. Kral
- Docket No. 040996-TC - Quality Wholesale Florist Supply, Inc.
- Docket No. 040998-TC - U.S. Payphones, Inc.
- Docket No. 041020-TC - Ron Kain
- Docket No. 041022-TC - Hans L. Singh d/b/a Southwest Communications
- Docket No. 041023-TC - Frentel Communications, Inc.
- Docket No. 041025-TC - Paytel USA, Inc.
- Docket No. 041027-TC - Mar-Tina Petroleum Corp. d/b/a Texaco of Stuart
- Docket No. 041028-TC - First Coast Hospitality One, Inc. d/b/a Johnny Leverock's Seafood House
- Docket No. 041029-TC - Nations Communication, Inc.
- Docket No. 041031-TC - Bay Public Communications, Inc.
- Docket No. 041032-TC - Kerstin K Krieger d/b/a All American Warrior Vending
- Docket No. 041033-TC - Gracia Inzerillo
- Docket No. 041034-TC - Concepts for Advanced Technology Inc.
- Docket No. 041035-TC - Thair Y. Said d/b/a Crossroads Texaco

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Chuck M. Doep

Maurice

J. Jerry

Judy Bradley

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Docket No. 041036-TC - Robert James Durkin

Docket No. 041037-TC - Morden Properties, Inc.

Docket No. 041045-TC - Sarasota Jungle Gardens Inc.

Docket No. 041046-TC - Sandra T. Avant d/b/a Avant Telcom

Docket No. 041047-TC - Donald R. Peterson and Myrna A. Peterson d/b/a F.C.
Communications

Docket No. 041048-TC - Gilbert Green

Docket No. 041051-TC - William Reilly

Docket No. 041052-TC - Rose Manor, A.L.F., Inc.

Docket No. 041053-TC - Chris Oconnell

Docket No. 041054-TC - T & P Enterprises of Bay County, Inc. d/b/a Laguna Beach
Christian Retreat

Docket No. 041058-TC - A & G Investment Property, Inc.

Docket No. 041059-TC - Public Telephone Corporation

Docket No. 041060-TC - Brothers Services Corporation

Docket No. 041061-TC - Jestel Corporation

Issue 1: Should the Commission impose a penalty and a cost of collection, together totaling \$500, or cancel each entity's pay telephone company certificate as identified in Attachment A of staff's November 23, 2004 memorandum, with an effective date of December 31, 2004, for an apparent first violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code?

Recommendation: Yes.

APPROVED

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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 pay telephone 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