

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MAY 3, 2005

RE: Docket No. 050180-TI - Compliance investigation of Tiburon Telecom, Inc. for apparent violation of Section 364.336, F.S., Regulatory Assessment Fees.

Docket No. 050181-TX - Compliance investigation of Tiburon Telecom, Inc. for apparent violations of Rules 25-22.032, F.A.C., Customer Complaints, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Issue 1: Should the Commission impose a penalty and a cost of collection, together totaling \$500, on Tiburon Telecom, Inc. for its apparent first violation of Section 364.336, F.S., Regulatory Assessment Fees in Docket No. 050180-TI?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Lon Edger
Judy Bradley
Melvin
J. Terry
Charles M. Drost

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
04311 MAY-3 05

VOTE SHEET

MAY 3, 2005

Docket No. 050180-TI - Compliance investigation of Tiburon Telecom, Inc. for apparent violation of Section 364.336, F.S., Regulatory Assessment Fees.

Docket No. 050181-TX - Compliance investigation of Tiburon Telecom, Inc. for apparent violations of Rules 25-22.032, F.A.C., Customer Complaints, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should the Commission impose a \$10,000 penalty on Tiburon Telecom, Inc. for its apparent violation of Rule 25-22.032, Florida Administrative Code, Customer Complaints, in Docket No. 050181-TX?

Recommendation: Yes.

APPROVED

Issue 3: Should the Commission impose a penalty and cost of collection, together totaling \$500, on Tiburon Telecom, Inc. for its apparent first violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.835, Florida Administrative Code, in Docket No. 050181-TX?

Recommendation: Yes.

APPROVED

Issue 4: Should this docket be closed?

Recommendation:

Docket No. 050180-TI, Issue 1: Staff recommends that the Order issued from Issue 1 of this recommendation 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 for this docket. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If Tiburon Telecom, Inc. fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing in Docket No. 050180-TI, the facts should be deemed admitted and the right to a hearing waived. If the company fails to pay the penalty in Issue 1 within fourteen (14) calendar days after the issuance of the Consummating Order, Tiburon Telecom, Inc.'s IXC tariff should be canceled and IXC Registration No. TJ714 should be removed from the register 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. For any payment

VOTE SHEET

MAY 3, 2005

Docket No. 050180-TI - Compliance investigation of Tiburon Telecom, Inc. for apparent violation of Section 364.336, F.S., Regulatory Assessment Fees.

Docket No. 050181-TX - Compliance investigation of Tiburon Telecom, Inc. for apparent violations of Rules 25-22.032, F.A.C., Customer Complaints, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

received applicable to the penalty, including cost of collection, in Issue 1, the cost of collection should be subtracted from the amount received and should be deposited in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. Any monetary amount exceeding the cost of collection should be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. If the company is removed from the register in accordance with the Commission's Order from this recommendation in Docket No. 050180-TI, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. Docket No. 050180-TI should be closed administratively either upon receipt of the payment of the penalties and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon removal of the company from the register.

Docket No. 050181-TX, Issues 2 and 3: Staff recommends that the Order issued from Issues 2 and 3 of this recommendation 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 for this docket. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If Tiburon Telecom, Inc. fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing in Docket No. 050181-TX, the facts should be deemed admitted and the right to a hearing waived. If the company fails to pay the imposed penalties in Issues 2 and 3 within fourteen (14) calendar days after the issuance of the Consummating Order, CLEC Certificate No. 8234 should be canceled 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. For any payment received applicable to the penalty, including cost of collection, in Issue 3, the cost of collection should be subtracted from the amount received and should be deposited in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. Any monetary amount exceeding the cost of collection should be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. If the company's CLEC certificate is canceled 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. Docket No. 050181-TX should be closed administratively either upon receipt of the payment of the penalties and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's certificate.

Action in one docket should not affect action in the other docket.

APPROVED