

VOTE SHEET

MAY 17, 2005

RE: Docket No. 050260-TI - Compliance investigation of U S P & C Corporation for apparent violations of Sections 364.336, F.S., Regulatory Assessment Fees; Telecommunications Companies, and Section 364.02(13), F.S., Definitions.

Issue 1: Should the Commission impose a penalty and a cost of collection, together totaling \$1,000, on U S P & C Corporation for its apparent second violation of Section 364.336, F.S., Regulatory Assessment Fees?

Recommendation: Yes.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Liz Edy*  
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*Shirley Bradley*  
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*Michelle Es*  
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*J. Terry Weas*  
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*Chuck M. Davis*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04784 MAY 17 05

FPSC-COMMISSION CLERK

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Issue 2: Should the Commission impose a penalty of \$500 upon U S P & C Corporation for its apparent violation of Section 364.02(13), F.S.?

Recommendation: Yes.

**APPROVED**

Issue 3: Should this docket be closed?

Recommendation: Staff recommends that the Order issued from 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. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If U S P & C Corporation 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 the company fails to pay the penalties in Issues 1 and 2 within fourteen (14) calendar days after the issuance of the Consummating Order, U S P & C Corporation's IXC tariff should be canceled and IXC Registration No. TJ147 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 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, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. This docket 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.

**APPROVED**