

VOTE SHEET

June 6, 2006

Docket No. 060373-TI – Compliance investigation of Mercury Telco Group, Inc. for apparent violation of Rule 25-24.475, F.A.C., Company Operations and Customer Relations.

**Issue 1:** Should the Commission impose a penalty upon Mercury Telco Group, Inc. in the amount of \$10,000 per apparent violation, for a total of \$80,000, for eight apparent violations of Rule 25-24.475(5), Florida Administrative Code, Company Operations and Customer Relations?

**Recommendation:** Yes. The Commission should impose a penalty upon Mercury Telco Group, Inc. in the amount of \$80,000 for its apparent failure to respond to Commission inquiries regarding eight customer complaints in apparent violation of Rule 25-24.475(5), Florida Administrative Code, Company Operations and Customer Relations.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Katrina J. Jew*  
*J. H. [unclear]*  
*Jan Edgar*  
*J. Terry [unclear]*  
*Glenn [unclear]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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**Issue 2:** 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 Mercury Telco Group, Inc. 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 Mercury fails to pay the penalty within fourteen (14) calendar days after the issuance of the Consummating Order, the company's tariff should be cancelled administratively and its name removed from the register. If the company's tariff is cancelled and its name 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 telephone service in Florida. This docket should be closed administratively either upon receipt of the payment of the penalty, or upon cancellation of the company's tariff and removal from the register.

**APPROVED**