

VOTE SHEET

June 6, 2006

Docket No. 050965-TX – Compliance investigation of Benchmark Communications, LLC d/b/a Com One for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Issue 1: Should the Commission accept Benchmark Communications, LLC d/b/a Com One’s proposal that the Commission vacate Proposed Agency Action Order No. PSC-06-0229-PAA-TX as it pertains to Benchmark Communications, LLC only, or in the alternative its settlement offer to voluntarily contribute \$500 to the Commission for deposit in the General Revenue Fund within 30 days of the issuance of the Consummating Order to resolve its apparent violation of Section 364.183(1), Florida Statutes?

Recommendation: No. The Commission should not accept the company’s proposal to vacate PAA Order No. PSC-06-0229-PAA-TX as it pertains to Benchmark only, or its settlement offer of \$500.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Katrina G. Jew
J. J. [Signature]
Ray Edgan
[Signature]
[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 2: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1 then this matter should be set for an administrative hearing and the docket should remain open pending further action. If the Commission accepts Benchmark's proposal to vacate PAA Order No. PSC-06-0229-PAA-TX or its settlement offer, the Order resulting from this recommendation should be final and the docket closed.

APPROVED