

VOTE SHEET

March 13, 2007

Docket No. 060826-TX – Compliance investigation of USA Telephone Inc. d/b/a Choice One Telecom for apparent violation of Rules 25-22.032(6)(b), F.A.C., Customer Complaints, and 25-24.805, F.A.C., Certificate of Public Convenience and Necessity Required.

Issue 1: Should the Commission impose a penalty upon USA Telecom, Inc. d/b/a Choice One Telecom in the amount of \$10,000 for apparent violation of Rule 25-22.032(6)(b), Florida Administrative Code, Customer Complaints?

Recommendation: Yes. The Commission should impose a \$10,000 penalty upon USA Telephone, Inc. d/b/a Choice One Telecom for the apparent violation of Rule 25-22.032(6)(b), Florida Administrative Code, Customer Complaints. The fine should be paid to the Florida Public Service Commission and forwarded 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 Commission's Order is not protested and the Commission does not receive the fine within five business days after the issuance of the Consummating Order, the collection of the fine should be referred to the Office of the Comptroller for collection.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of Katrina J. McMurrin and Jim Liebman on the majority line.

Empty lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

02275 MAR 13 06

March 13, 2007

Docket No. 060826-TX – Compliance investigation of USA Telephone Inc. d/b/a Choice One Telecom for apparent violation of Rules 25-22.032(6)(b), F.A.C., Customer Complaints, and 25-24.805, F.A.C., Certificate of Public Convenience and Necessity Required.

(Continued from previous page)

Issue 2: Should the Commission fine USA Telecom, Inc. d/b/a Choice One Telecom \$25,000 for apparent violation of Rule 25-24.805, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

Recommendation: Yes. The Commission should fine Choice One Telecom \$25,000 for apparent violation of Rule 25-24.805, Florida Administrative Code, Certificate of Public Convenience and Necessity Required.

APPROVED

Issue 3: Should all network service providers be ordered to cease providing service to Choice One?

Recommendation: Yes. All network service providers should be ordered to cease providing service to Choice One.

APPROVED

Issue 4: 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 Choice One fails to timely file a protest and requests a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. The fines should be paid to the Florida Public Service Commission and forwarded 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 Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, the collection of the fine should be referred to the Office of the Comptroller for collection. This docket should remain open until the fines are paid or permission to write off the fines is given by the Office of the Comptroller.

APPROVED