

VOTE SHEET

April 6, 2010

Docket No. 100112-TX – Investigation and determination of appropriate method for refunding apparent overcharges by EveryCall Communications, Inc. due to overbilling on local number portability fees.

Issue 1: Should the Commission approve EveryCall Communications, Inc.’s refund of \$1,567.46, plus interest in the amount of \$5.06, for a total of \$1,572.52, to the affected customers during the June 2010 billing cycle; require the company to remit any unrefundable monies to the Commission by October 29, 2010, for deposit in the General Revenue Fund; and require the company to submit a refund report by October 29, 2010, to the Commission stating, (1) how much was refunded to its customers, (2) the total number of customers receiving refunds, and (3) the amount of money determined to be unrefundable?

Recommendation: Yes, the Commission should approve EveryCall’s refund. As required by Rule 25-4.114, F.A.C., for those customers still on the system, a credit shall be made on the bill. For customers entitled to a refund but no longer on the system, the company shall mail a refund check to the last known billing address except that no refund for less than \$1.00 will be made to these customers. At the end of the refund period, any amount not refunded, including interest, should be remitted to the Commission for deposit in the General Revenue Fund.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

David E. Klement

REMARKS/DISSENTING COMMENTS: Chairman Argenziano participated in the conference by telephone. She will sign the vote sheet upon her return to the office.

DOCUMENT NUMBER-DATE

02541 APR-7 0

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Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will be a proposed agency action. Thus, the Order will become final and effective upon issuance of the Consummating Order if no person whose substantial interests are affected timely files a protest within 21 days of issuance of this Order. The company should submit its final report, identified by docket number, by October 29, 2010. If any monies are not refunded, EveryCall should submit payment of these monies to the Commission at the time it submits its final report, and the Commission shall deposit these monies in the General Revenue Fund. Upon receipt of the final report, this docket should be closed administratively if no timely protest has been filed.

APPROVED