

VOTE SHEET

April 5, 2011

Docket No. 100340-TP – Investigation of Associated Telecommunications Management Services, LLC (ATMS) companies for compliance with Chapter 25-24, F.A.C., and applicable lifeline, eligible telecommunication carrier, and universal service requirements.

Docket No. 110082-TP – Initiation of show cause proceedings against American Dial Tone, Inc., All American Telecom, Inc., Bellerud Communications, LLC, BLC Management LLC d/b/a Angles Communication Solutions, and LifeConnex Telecom, LLC for apparent violations of Chapter 364, F.S., Chapters 25-4 and 25-24, F.A.C., and FPSC Orders.

(Issue Nos. 1, 2, 3, and 10 apply to both dockets; Issue Nos. 4 through 9 apply only to Docket No.110082-TP.)

Issue 1: Should the Commission grant ATMS' Request for Oral Argument on its Petition for Mediation and to Hold Docket in Abeyance?

Recommendation: Yes. The Commission should grant ATMS' Request for Oral Argument on its Petition for Mediation and to Hold Docket in Abeyance. Staff recommends allowing ATMS 10 minutes to address this matter.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS: Deferred to the April 26, 2011 Commission Conference

DOCUMENT NUMBER-DATE

02261 APR-5 =

FPSC-COMMISSION CLERK

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Issue 2: Should the Commission order mediation by an independent mediator?

Recommendation: No. The Commission should not order mediation by an independent mediator.

DEFERRED

Issue 3: Should the Commission hold these dockets in abeyance pending results of mediation?

Recommendation: No. If the Commission approves staff's recommendation in Issue 2, the issue of holding the docket in abeyance pending the results of mediation will be moot.

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Issue 4: Should American Dial Tone, Inc. be ordered to show cause, in writing within 21 days from the issuance of the Commission’s show cause order, why its Eligible Telecommunications Carrier status in Florida should not be revoked because it is no longer in the public interest based on its apparent willful violation of one or more of the following statutes, rules and orders: Section 364.10(2)(a), Florida Statutes, Section 364.10(2)(e)1, Florida Statutes, Section 364.10(2)(f), Florida Statutes, Section 364.107(3)(a), Florida Statutes, Section 364.24(2), Florida Statutes, Section 364.183(1), Florida Statutes, Rule 25-4.0665(1), Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, Rule 25-24.825(1), Florida Administrative Code, Order No. PSC-06-0298-PAA-TX, Order No. PSC-06-0680-PAA-TL, and Order No. PSC-07-0417-PAA-TL?

Recommendation: Yes, American Dial Tone, Inc. should be ordered to show cause, in writing within 21 days from the issuance of the Commission’s show cause order, why its Eligible Telecommunications Carrier status in Florida should not be revoked because it is no longer in the public interest based on its apparent willful violation of one or more of the following statutes, rules and orders: Section 364.10(2)(a), Florida Statutes, Section 364.10(2)(e)1, Florida Statutes, Section 364.10(2)(f), Florida Statutes, Section 364.107(3)(a), Florida Statutes, Section 364.24(2), Florida Statutes, Section 364.183(1), Florida Statutes, Rule 25-4.0665(1), Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, Rule 25-24.825(1), Florida Administrative Code, Order No. PSC-06-0298-PAA-TX, Order No. PSC-06-0680-PAA-TL, and Order No. PSC-07-0417-PAA-TL.

DEFERRED

Issue 5: Should Bellerud Communications, LLC be ordered to show cause, in writing within 21 days from the issuance of the Commission’s show cause order, why its Competitive Local Exchange Company Certificate No. 7563 should not be cancelled pursuant to Rule 25-24.572(1), Florida Administrative Code, for apparent violation of the terms and conditions under which authority was originally granted, apparent violation of Commission rules or orders, or violation of Florida Statutes?

Recommendation: Yes. Staff recommends that Bellerud Communications, LLC be ordered to show cause, in writing within 21 days from the issuance of the Commission’s show cause order, why its Competitive Local Exchange Company Certificate No. 7563 should not be cancelled pursuant to Rule 25-24.572(1), Florida Administrative Code, for apparent violation of the terms and conditions under which authority was originally granted, apparent violation of Commission rules or orders, or violation of Florida Statutes.

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Issue 6: Should LifeConnex Telecom, LLC be ordered to show cause, in writing within 21 days from the issuance of the Commission’s show cause order, why its Competitive Local Exchange Company Certificate No. 8682 should not be cancelled pursuant to Rule 25-24.572(1), Florida Administrative Code, for apparent violation of the terms and conditions under which authority was originally granted, apparent violation of Commission rules or orders, or violation of Florida Statutes?

Recommendation: Yes. Staff recommends that LifeConnex Telecom, LLC be ordered to show cause, in writing within 21 days from the issuance of the Commission’s show cause order, why its Competitive Local Exchange Company Certificate No. 8682 should not be cancelled pursuant to Rule 25-24.572(1), Florida Administrative Code, for apparent violation of the terms and conditions under which authority was originally granted, apparent violation of Commission rules or orders, or violation of Florida Statutes.

DEFERRED

Issue 7: Should American Dial Tone, Inc. be ordered to show cause, in writing within 21 days from the issuance of the Commission’s show cause order, why its Competitive Local Exchange Company Certificate No. 5805 should not be cancelled pursuant to Rule 25-24.572(1), Florida Administrative Code, for apparent violation of the terms and conditions under which authority was originally granted, apparent violation of Commission rules or orders, or violation of Florida Statutes?

Recommendation: Yes. Staff recommends that American Dial Tone, Inc. be ordered to show cause, in writing within 21 days from the issuance of the Commission’s show cause order, why its Competitive Local Exchange Company Certificate No. 5805 should not be cancelled pursuant to Rule 25-24.572(1), Florida Administrative Code, for apparent violation of the terms and conditions under which authority was originally granted, apparent violation of Commission rules or orders, or violation of Florida Statutes.

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Issue 8: Should All American Telecom, Inc. be ordered to show cause, in writing within 21 days from the issuance of the Commission's show cause order, why its Competitive Local Exchange Company Certificate No. 8758 should not be cancelled pursuant to Rule 25-24.572(1), Florida Administrative Code, for apparent violation of the terms and conditions under which authority was originally granted, apparent violation of Commission rules or orders, or violation of Florida Statutes?

Recommendation: Yes. Staff recommends that All American Telecom, Inc. be ordered to show cause, in writing within 21 days from the issuance of the Commission's show cause order, why its Competitive Local Exchange Company Certificate No. 8758 should not be cancelled pursuant to Rule 25-24.572(1), Florida Administrative Code, for apparent violation of the terms and conditions under which authority was originally granted, apparent violation of Commission rules or orders, or violation of Florida Statutes.

DEFERRED

Issue 9: Should the following ATMS companies be ordered to show cause, in writing within 21 days from the issuance of the Commission's show cause order, why they should not be fined collectively \$16,448,000 for apparent willful violations of Florida Statutes, the Florida Administrative Code, and Florida PSC orders as follows:

- a. American Dial Tone, Inc. - \$7,224,500 for apparent willful violations of Section 364.10(2)(a), Florida Statutes, Section 364.10(2)(e)1, Florida Statutes, Section 364.10(2)(f), Florida Statutes, Section 364.107(3)(a), Florida Statutes, Section 364.24(2), Florida Statutes, Section 364.183(1), Florida Statutes, Rule 25-4.0665(1), Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, Rule 25-24.825(1), Florida Administrative Code, Order No. PSC-06-0298-PAA-TX, Order No. PSC-06-0680-PAA-TL, or Order No. PSC-07-0417-PAA-TL?
- b. Bellerud Communications, LLC - \$595,000 for apparent willful violations of Section 364.24(2), Florida Statutes, Section 364.107(3)(a), Florida Statutes, Section 364.183(1), Florida Statutes, Rule 25-4.0665(1), Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, Rule 25-24.825(1), Florida Administrative Code, Order No. PSC-06-0680-PAA-TL, or Order No. PSC-07-0417-PAA-TL?
- c. LifeConnex Telecom, LLC - \$2,896,000 for apparent willful violations of Section 364.24(2), Florida Statutes, Section 364.107(3)(a), Florida Statutes, Section 364.183(1), Florida Statutes, Rule 25-4.0665(1), Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, Rule 25-24.825(1), Florida Administrative Code, Order No. PSC-06-0680-PAA-TL, or Order No. PSC-07-0417-PAA-TL?

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- d. BLC Management LLC, d/b/a Angles Communications Solutions - \$5,707,500 for apparent willful violations of Rule 25-4.118, Florida Administrative Code, Rule 25-24.805, Florida Administrative Code Rule 25-4.0665(1), Florida Administrative Code, Order PSC-06-0680-PAA-TL, Section 364.183(1), Florida Statutes, Rule 25-24.825, Florida Administrative Code, Section 364.107(3)(a), Florida Statutes, Section 364.24, Florida Statutes, Order No. PSC-06-0680-PAA-TL, or Order No. PSC-07-0417-PAA-TL?
- e. All American Telecom, Inc. - \$25,000 for apparent willful violations of Section 364.183(1), Florida Statutes?

Recommendation: Staff recommends that the following ATMS companies be ordered to show cause, in writing within 21 days from the issuance of the Commission's show cause order, why they should not be fined collectively \$16,448,000 for apparent willful violations of Florida Statutes, the Florida Administrative Code, and Florida PSC orders as follows:

- a. American Dial Tone, Inc. - \$7,224,500 for apparent willful violations of Section 364.10(2)(a), Florida Statutes, Section 364.10(2)(e)1, Florida Statutes, Section 364.10(2)(f), Florida Statutes, Section 364.107(3)(a), Florida Statutes, Section 364.24(2), Florida Statutes, Section 364.183(1), Florida Statutes, Rule 25-4.0665(1), Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, Rule 25-24.825(1), Florida Administrative Code, Order No. PSC-06-0298-PAA-TX, Order No. PSC-06-0680-PAA-TL, and Order No. PSC-07-0417-PAA-TL.
- b. Bellerud Communications, LLC - \$595,000 for apparent willful violations of Section 364.24(2), Florida Statutes, Section 364.107(3)(a), Florida Statutes, Section 364.183(1), Florida Statutes, Rule 25-4.0665(1), Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, Rule 25-24.825(1), Florida Administrative Code, Order No. PSC-06-0680-PAA-TL, and Order No. PSC-07-0417-PAA-TL.
- c. LifeConnex Telecom, LLC - \$2,896,000 for apparent willful violations of Section 364.24(2), Florida Statutes, Section 364.107(3)(a), Florida Statutes, Section 364.183(1), Florida Statutes, Rule 25-4.0665(1), Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, Rule 25-24.825(1), Florida Administrative Code, Order No. PSC-06-0680-PAA-TL, and Order No. PSC-07-0417-PAA-TL.
- d. BLC Management LLC, d/b/a Angles Communications Solutions - \$5,707,500 for apparent willful violations of Rule 25-4.118, Florida Administrative Code, Rule 25-24.805, Florida Administrative Code Rule 25-4.0665, Florida Administrative Code, Order PSC-06-0680-PAA-TL, Section 364.183(1), Florida Statutes, Rule 25-24.825, Florida Administrative Code, Section 364.107, Florida Statutes, Section 364.24, Florida Statutes, and Section 364.10(2)(e)1, Florida Statutes.
- e. All American Telecom, Inc. - \$25,000 for apparent willful violations of Section 364.183(1), Florida Statutes.

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Issue 10: Should these dockets be closed?

Recommendation: If staff's recommendation in Issue 4 is approved, then American Dial Tone will have 21 days from the issuance of the Commission's show cause order to respond in writing why its Eligible Telecommunications Carrier status in Florida should not be revoked. If staff's recommendation in Issue 5 is approved, then Bellerud Communications, LLC (TX 464), will have 21 days from the issuance of the Commission's show cause order to respond in writing why its Competitive Local Exchange Company Certificate should not be cancelled. If staff's recommendation in Issue 6 is approved, then LifeConnex Telecom, LLC (TX 922), will have 21 days from the issuance of the Commission's show cause order to respond in writing why its Competitive Local Exchange Company Certificate should not be cancelled. If staff's recommendation in Issue 7 is approved, then American Dial Tone (TX 274), will have 21 days from the issuance of the Commission's show cause order to respond in writing why its Competitive Local Exchange Company Certificate should not be cancelled. If staff's recommendation in Issue 8 is approved, then All American Telecom (TX 996), will have 21 days from the issuance of the Commission's show cause order to respond in writing why its Competitive Local Exchange Company Certificate should not be cancelled.

If staff's recommendation in Issue 9 is approved, then American Dial Tone, Inc., Bellerud Communications, LLC, LifeConnex Telecom, LLC, BLC Management LLC, d/b/a Angles Communications Solutions, and All American Telecom, Inc. will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed.

If these companies timely respond to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If the companies do not respond to the show cause order, and the penalties listed in Issue 9 are not received within 14 business days after the expiration of the show cause response period, then American Dial Tone's ETC designation should be revoked for apparent violations cited in Issue 4, Bellerud's, LifeConnex's, American Dial Tone's, and All American Telecom's Competitive Local Exchange Company Certificates should be canceled for the apparent violations cited in Issues 5, 6, 7, and 8, and the fines listed in Issue 9 should be imposed for the apparent violations cited and forwarded to the Comptroller's Office for collection. Docket No. 110082-TP can then be closed. If staff's recommendation is approved in Issue Nos. 2 and 3, the investigation docket (Docket No. 100340-TP) can be closed.

DEFERRED