

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 27, 1999

RE: DOCKET NO. 990781-TC - Initiation of show cause proceedings against SMBR, Inc. for apparent violation of Rule 25-24.515, F.A.C., Pay Telephone Service, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Issue 1: Should SMBR, Inc. be ordered to show cause why a fine of \$1,000 for apparent violations of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service, should not be imposed or Certificate No. 5597 should not be canceled?

Recommendation: Yes. The Commission should order SMBR to show cause in writing within 21 days of the date of the order why it should not have Certificate No. 5597 canceled or be fined \$1,000 for apparent violations of Rule 25-24.515, Florida Administrative Code. SMBR's response must contain specific allegations of fact or law. If SMBR fails to respond to the show cause, and the fine is not paid after reasonable collection efforts by the

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including one that clearly reads "Susan Clark".

Four horizontal lines in the dissenting column, all of which are blank.

REMARKS/DISSENTING COMMENTS:

Blank lines for remarks or dissenting comments.

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Commission, Certificate No. 5597 should be canceled. If the fine is paid it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

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Issue 2: Should SMBR, Inc. be ordered to show cause why a fine of \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, should not be imposed?

Recommendation: Yes. The Commission should order SMBR to show cause in writing within 21 days of the date of the order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code. SMBR's response must contain specific allegations of fact or law. If SMBR fails to respond to the show cause order, the fines should be deemed assessed. If the fines and regulatory assessment fees, along with statutory penalties and interest, are not paid within 5 business days after the Order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

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Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then SMBR will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If staff's recommendation in Issue 2 is approved, then SMBR will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed. If SMBR timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If SMBR does not respond to the show cause order, and the fines and fees, including statutory penalties and interest, are not received within five business days after expiration of the show cause response period, then SMBR's certificate should be canceled for the violations cited in Issue 1 and the fines in Issue 2 should be imposed for the violations cited in Issue 2. This docket can then be closed administratively.

APPROVED