

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 21, 1999

RE: DOCKET NO. 991663-TX - Initiation of show cause proceedings against CIO, Inc. for apparent violation of Rule 25-24.805, F.A.C., Certificate of Public Convenience and Necessity Required, Section 364.183, F.S., Access to Company Records and Section 364.185, F.S., Investigations and Inspections; Power of Commission.

Issue 1: Should the Commission order CIO, Inc. to show cause why a fine of \$25,000 should not be imposed for apparent violation of Rule 25-24.805, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

Recommendation: Yes. The Commission should order CIO to show cause in writing within 21 days of issuance of the Commission's order why it should not be fined \$25,000 for apparent violation of Rule 25-24.805, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The company's response should contain specific allegations of fact or law. If CIO fails to respond to the show cause order, the fine

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in blue ink on four lines]

REMARKS/DISSENTING COMMENTS:

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should be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fines are paid, they should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

APPROVED

Issue 2: Should the Commission order CIO, Inc. to show cause why a fine of \$25,000 should not be imposed for apparent violation of Section 364.183, Florida Statutes, Access to Company Records, and Section 364.185, Florida Statutes, Investigations and Inspections; Power of Commission?

Recommendation: Yes. The Commission should order CIO to show cause in writing within 21 days of issuance of the Commission's order why it should not be fined \$25,000 for apparent violation of Section 364.183, Florida Statutes, Access to Company Records, and Section 364.185, Florida Statutes, Investigations and Inspections; Power of Commission. The company's response should contain specific allegations of fact or law. If CIO fails to respond to the show cause order, the fine should be deemed assessed. If the fine is not paid within ten 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 should 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 Issues 1 and 2 are approved, then CIO 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 amounts proposed. If CIO timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If CIO fails to respond to the show cause order, the fines will be deemed assessed. If the fines are not received within ten business days after expiration of the show cause response period, they should be forwarded to the Office of the Comptroller for collection and this docket may be closed administratively.

APPROVED