

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 20, 2005

RE: **Docket No. 050556-TX** - Compliance investigation of America's Wireless Choice, Inc. for apparent violation of Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

Issue 1: Should the Commission impose a penalty upon America's Wireless Choice, Inc. in the amount of \$10,000 per apparent violation, for a total of \$40,000 for four apparent violations of Rule 25-22.032(6)(b), Florida Administrative Code, Customer Complaints?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

08883 SEP 20 05

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Issue 2: 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 America's Wireless fails to timely file a protest and request 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. If America's Wireless fails to pay the penalty within fourteen (14) calendar days after the issuance of the Consummating Order, the company's Certificate No. 8317 should be cancelled. If America's Wireless's certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing telecommunications service in Florida. This docket should be closed administratively upon either receipt of the payment of the penalty or upon the cancellation of the company's certificate.

APPROVED