

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 17, 1998

RE: DOCKET NO. 981300-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 4310 issued to Manuel Serna for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Issue 1: Should the Commission grant the request for voluntary cancellation submitted by Manuel Serna?

Recommendation: No.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including names like Clark and Garcia.

Empty lines in the dissenting column.

REMARKS/DISSENTING COMMENTS:

Commissioner Garcia participated in the Agenda Conference via video teleconference and ~~dissented~~ in the vote. He will sign the vote sheet upon his return to Tallahassee.

agreed

DOCUMENT NUMBER-DATE

12953 NOV 18 98

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission impose a \$500 fine or cancel the pay telephone certificate of Mr. Manuel Serna for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, effective December 31, 1997?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel Mr. Serna's certificate effective December 31, 1997, if the fine and the regulatory assessment fees, including statutory penalties and interest, are not received by the Commission within five business days after the conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's order is not protested and the fines and the regulatory assessment fees, including statutory penalties and interest, are not received, the certificates should be canceled.

APPROVED

Issue 3: Should the Commission fine Manuel Serna \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: The Commission should impose a \$10,000 fine for failure to comply with Rule 25-4.043, Florida Administrative Code. The fine should be remitted within five business days after the conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's order is not protested and the fine is not received, it should be forwarded to the Office of the Comptroller for collection.

APPROVED

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Issue 4: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the order, the order will become final. Upon payment of the fines and fees, or cancellation of the certificate, this docket should be closed.

APPROVED