

VOTE SHEET

JUNE 6, 2000

RE: DOCKET NO. 000218-TX - Initiation of show cause proceedings against Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Issue 1: Should the Commission reject as not acceptable the response to Commission Order No. PSC-00-0679-SC-TX, issued April 12, 2000, submitted by Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone to resolve the apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

Recommendation: Yes. The Commission should reject the company's response to Commission Order No. PSC-00-0679-SC-TX as not acceptable and apparently fraudulent. If the company fails to file a protest or request a hearing within 21 days of the issuance of the Proposed Agency Action (PAA) Order, the right to a hearing should be waived and the facts deemed admitted; the Order should become final upon the issuance of the Consummating Order and Certificate No. 5620 should be canceled in accordance with Commission Rule 25-24.820, Florida Administrative Code, Revocation of a Certificate.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures: Robert J. Garcia, Susan J. Clark, J. Terry Wynn, and Joe Garcia]*

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REMARKS/DISSENTING COMMENTS: Chairman Garcia participated in the conference via video teleconference. He agreed with ~~disseminated from~~ the majority vote and will sign the vote sheet upon return to Tallahassee.

DOCUMENT NUMBER-DATE

07142 JUN 128

FPSC-RECORDS/REPORTING

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Issue 2: If the Commission approves Issue 1, should the Commission refer Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone to the appropriate authority for prosecution for apparent violation of Section 837.06, Florida Statutes?

Recommendation: Yes. If staff's recommendation in Issue 1 is approved, the Commission should refer Second Chance Phone to the appropriate authority for prosecution for apparent violation of Section 837.06, Florida Statutes.

**APPROVED**

Issue 3: If the Commission approves Issue 1 and the Order becomes final, should the Commission require Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone to notify its customers in writing to change their local telephone service to another provider?

Recommendation: Yes. The Commission should order Second Chance Phone to notify its customers in writing to change their local telephone service to another provider. All customers should be notified between 15 and 45 days from the date the Consummating Order is issued. The notification should inform the customers that Second Chance Phone will cease providing service 30 days from the end of the customer notification period, i.e. 75 days from the date of the issuance of the Consummating Order, and that they should obtain local telephone service from another provider. Second Chance Phone's notification letter should be submitted to Commission staff for review and approval ten days after the issuance of the Consummating Order.

**APPROVED**

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Issue 4: Should this docket be closed?

Recommendation: No. If staff's recommendations in Issues 1 and 3 are approved, any person whose substantial interests are affected will have 21 days from the issuance of the PAA Order to file a protest. If no protest is filed within the protest period, the Order will become final upon the issuance of the Consummating Order and this docket should remain open pending the completion of customer notification and service discontinuance. Seventy-five days after the issuance of the Consummating Order, Certificate No. 5620 should be canceled and this docket should be closed administratively. If staff's recommendation in Issue 2 is approved, the case should be forwarded to the appropriate authority for action. Neither approval nor disapproval of Issue 2 should affect the outcome of the Commission's decision on the remaining Issues in this docket.

**APPROVED**