

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

September 16, 2008

Docket No. 080425-TX – Compliance investigation of CLEC Certificate No. 6068, issued to Rebound Enterprises, Inc. d/b/a REI Communications, for apparent violation of Section 364.183(1), F.S., Access to Company Records and second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 080444-TX – Compliance investigation of CLEC Certificate No. 7413, issued to Vycera Communications, Inc., for apparent violation of Section 364.183(1), F.S., Access to Company Records and second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Issue 1: Should the Commission impose a penalty in the amount of \$10,000 or cancel the respective certificate of each company listed in Attachment A of staff’s memorandum dated September 4, 2008, for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

Recommendation: Yes, the Commission should impose a penalty in the amount of \$10,000 or cancel the respective certificate of each company listed in Attachment A of staff’s memorandum dated September 4, 2008, for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Katrina J. McMurrin, and others.

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
08707 SEP 16 8
FPSC-COMMISSION CLERK

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Issue 2: Should these dockets 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 in a given docket 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 any of the companies listed in Attachment A of staff's memorandum dated September 4, 2008, fails to timely file a protest in its respective docket and request a Section 120.57, Florida Statutes, hearing, the facts in that docket should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If any of the companies listed in Attachment A of staff's memorandum dated September 4, 2008, fails to pay the penalty within fourteen (14) calendar days after the issuance of the Consummating Order, the company's CLEC certificate, as listed in Attachment A of staff's memorandum dated September 4, 2008, should be canceled. If a company's certificate is canceled in accordance with the Commission's Order from this recommendation, that company should be required to immediately cease and desist providing telecommunications services in Florida. A protest in one docket should not prevent the action in a separate docket from becoming final. These dockets should remain open.

APPROVED