

VOTE SHEET

MARCH 24, 1998

RE: DOCKET NO. 980181-TI - Initiation of show cause proceedings against BFM International for violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required.

Issue 1: Should the Commission order BFM International to show cause in writing why it should not be fined \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

Recommendation: Yes. The Commission should order BFM International to show cause in writing within 20 days of the effective date of the order why it should not be fined \$25,000 for violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. If BFM fails to respond to the show cause order, the fine will be deemed assessed. If the fine is not paid after reasonable collection efforts by the Commission, it should be forwarded to the Office of the Comptroller for collection. BFM should be required to pay the fine within five working days of the issuance of the Commission's order. Upon payment, the fine should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER / DATE

03549 MAR 25 8

FILE NUMBER / REPORTING

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Issue 2: Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to BFM, pursuant to Rule 25-24.4701(3), Florida Administrative Code?

Recommendation: Yes. At the conclusion of the show cause, the interexchange companies will be notified to disconnect the service if appropriate.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, an Order to Show Cause will be issued. If BFM timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. The docket should also remain open to process any protest to Issue 2 that may be filed within 21 days of the issuance of the order by a person whose substantial interests are affected by the Commission's proposed agency action. ~~If BFM does not respond to the Commission's Order to Show Cause, the fine should be assessed, and the company will have five (5) business days from the end of the show cause response period to pay the fine. If no timely protest to Issue 2 is filed and BFM fails to respond to the proposed agency action to show cause, this docket may be closed. If BFM does not respond to the Commission's Order to Show Cause within 20 days of the issuance of the show cause order, the fine will be deemed assessed and the company will have five business days from the end of the show cause response period to pay the fine. If no timely protest of Issue 2 is filed and BFM fails to respond to the Order to Show Cause or fails to pay the fine, this docket may be closed.~~

MODIFIED

Approved w/modification as noted.