

VOTE SHEET

APRIL 7, 1998

RE: DOCKET NO. 980336-TI - Initiation of show cause proceedings against Coral Communications, Inc. for violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required.

Issue 1: Should the Commission order Coral Communications, Inc. to show cause why it should not be fined \$25,000 per day for apparent failure to comply with Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

Recommendation: Yes. Due to the fact that Coral appears to be providing (or offering with the intent to provide) telecommunications service without a certificate, staff believes the Commission should require Coral to show cause in writing within 20 days of issuance of the Commission's order why it should not be fined \$25,000 per day for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The company's response must contain specific allegations of fact or law. If Coral fails to respond to the show cause, 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. If the fine is paid, it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NO. 98-0336-TI

04015 APR - 7 1998

FPCD-REGISTRATION DIVISION

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Issue 2: Should Coral Communications, Inc. be ordered to stop all billing in Florida until authorized to do so by the Commission?

Recommendation: Yes. Pursuant to Sections 364.01, 364.08, and 364.19, Florida Statutes, the Commission has jurisdiction over Coral's LOA. Therefore, staff recommends that the Commission order Coral to stop all billing in Florida until authorized to do so by the Commission and to obtain certification before the company initiates any billing of charges stemming from such LOAs in Florida.

APPROVED

Issue 3: Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to Coral Communications, Inc., pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited?

Recommendation: Yes. It appears that Coral may be operating in Florida without a certificate in violation of Rule 25-24.4701(3), Florida Administrative Code. The order should state that any IXC providing service to the company must contact the Commission at the conclusion of the show cause response period to determine if the show cause proceeding has been concluded.

APPROVED

Issue 4: Should the LECs be ordered not to bill for Coral until such time as each entry form has been third-party verified to the satisfaction of the Commission?

Recommendation: Yes.

APPROVED

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Issue 5: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Coral will have 20 days from issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed. If Coral 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 Issues 2, 3, and 4 that may be filed within 21 days of issuance of the order by a person whose substantial interests are affected by the Commission's proposed agency action.

Staff recommends that, if Coral fails to respond to the Order to Show Cause, the fine will be deemed assessed. If the fine is not received within five business days after expiration of the show cause response period, it should be forwarded to the Office of the Comptroller for collection. If no timely protest of Issues 2, 3, and 4 is filed and Coral fails to respond to the Order to Show Cause, this docket may be closed administratively.

APPROVED