

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

AUGUST 4, 1998

RE: DOCKET NO. 980914-TI - Initiation of show cause proceedings against Network Access Inc. for violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

ISSUE 1: Should Network Access Inc. (NAI) be ordered to show cause why it should not be fined \$25,000 or have its Certificate No. 3546 cancelled for violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should order Network Access Inc. (NAI) to show cause in writing within 20 days of the issuance date of the order why it should not have Certificate No. 3546 cancelled or be fined \$25,000 for violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. Any collected fine monies 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.

**DEFERRED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

*To the August 18, 1998  
Commission Conference*

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Issue 2: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then NAI 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 NAI timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If NAI does not respond to the Commission's order to show cause, the fine should be deemed assessed. Staff recommends that, if NAI fails to respond to the order to show cause, and the fine is not received within five business days after expiration of the show cause response period, NAI's certificate should be cancelled, and this docket closed administratively.