

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

APRIL 18, 2000

RE: DOCKET NO. 991248-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5738 issued to First Call USA, Incorporated for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Issue 1: Should the Commission impose a \$500 fine or cancel First Call USA, Incorporated's Interexchange Telecommunications Certificate No. 5738 for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's Interexchange Telecommunications Certificate No. 5738 should be canceled administratively.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04887 APR 20 8

FPSC-RECORDS/REPORTING

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(Continued from previous page)

Issue 2: Should First Call USA, Incorporated be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, should not be imposed or Certificate No. 5738 should not be canceled?

Recommendation: Yes. The Commission should order First Call USA to show cause in writing within 21 days of the issuance of the Commission's Order why it should not have Certificate No. 5738 canceled or be fined \$10,000 for apparent violation of Rule 25-4.043, F.A.C. The company's response should contain specific allegations of fact or law. If First Call USA fails to respond to the show cause, and the fine is not paid within 10 business days after the 21-day show cause period, Certificate No. 5738 should be canceled. If the fine is paid, it should be remitted by the Commission to the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation on Issue 1, this docket should be closed upon issuance of a consummating order and upon receipt of the fine and fees or cancellation of the certificate, unless a person whose substantial interests are affected by the Commission's decision files a protest to the proposed agency action within 21 days of the issuance of the Order.

Furthermore, if the Commission approves staff's recommendation in Issue 2, the company will have 21 days to respond in writing to the Commission's show cause order explaining why it should not have its certificate canceled or be fined in the amount proposed. If the company timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If the company fails to respond to the show cause order, this docket may be closed upon receipt of the fine and fees or cancellation of the certificate and upon issuance of an order consummating the Commission's proposed agency action in Issue 1.

APPROVED