

VOTE SHEET

JULY 15, 1997

RE: DOCKET NO. 970583-TI - Initiation of show cause proceedings against News Telecom, Inc. for violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Issue 1: Should the Commission order News Telecom to show cause in writing why a fine of \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, and \$10,000 for violation of Rule 25-4.043, Florida Administrative Code, should not be assessed?

Recommendation: Yes. Due to the fact that News Telecom is unresponsive to staff inquiries, and it appears that News Telecom is providing telecommunications service without a certificate, staff believes the Commission should require News Telecom to show cause in writing within 20 days of the issuance of the Commission's order 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, and \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response must contain specific allegations of fact or law. If News Telecom 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 majority column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

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FILE TO BE REPORTING

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(Continued from previous page)

Issue 2: Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to News Telecom pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited?

Recommendation: Yes. It appears that News Telecom 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 3: Should this docket be closed?

Recommendation: The docket should remain open pending the resolution of the show cause proceeding, and the processing of any protest to Issue 1 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 no protest to the Commission's decision in Issue 1 is filed, the fine should be assessed, and this docket should be closed. After reasonable collection efforts have been made, the fine should be forwarded to the Comptroller's Office for collection.

If News Telecom does not respond to the Commission's decision in Issue 1, the fine should be assessed.

If no timely protest to Issue 2 is filed, and News Telecom fails to respond to the Show cause, this docket may be closed.

## MODIFIED

Approved with noted modifications.