

VOTE SHEET

SEPTEMBER 9, 1997

RE: DOCKET NO. 970925-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 3568 issued to MTX Communications Corporation for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

Issue 1: Should the Commission impose a \$500 fine or cancel MTX's Interexchange Telecommunications Certificate No. 3568 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees?

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 penalties and interest, are not received by the Commission within 5 business days after the conclusion of the 21-day protest period. 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 the regulatory assessment fees, including statutory penalties and interest, are not received, certificate number 3568 should be canceled.

MODIFIED

RAFs have been paid. The \$500 fine will be imposed and the certificate canceled if the fine isn't paid.

(Vote sheet corrected 9/30/97, based on clarification by LEG/Pena.) kf

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on lines.

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09110 SEP 10 97

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to MTX pursuant to Rule 25-24.4701(3), Florida Administrative Code, if certificate number 3568 is canceled?

Recommendation: Yes. Pursuant to Rule 25-24.4701(3), Florida Administrative Code, the Commission should order all certificated interexchange companies to discontinue providing interexchange telecommunications service to MTX if MTX's certificate is canceled at the conclusion of the protest period for failure to submit the delinquent regulatory assessment fees, and pay the fines as required in Issue 1. The Order should state that any IXC providing service to MTX must contact the Commission at the conclusion of the protest period as set forth in the Order to determine whether the certificate has been canceled.

MODIFIED - See Issue 1. kf

Issue 3: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines and fees, or cancellation of the certificate, this docket should be closed.

**MODIFIED**

See Issue 1.