

VOTE SHEET

JANUARY 6, 1998


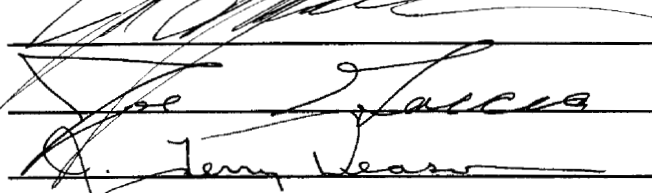

RE: DOCKET NO. 971317-TP - Initiation of show cause proceedings against Nationwide Communications of Michigan, Inc. for apparent violation of Rule 25-24.630, F.A.C., Rate and Billing Requirements, Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

Issue 1: Should the Commission order Nationwide Communications of Michigan, Inc. to show cause in writing why a fine of \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, in regard to its interexchange telecommunications certificate, \$250 for apparent violation of Rule 25-24.630, Florida Administrative Code, and \$1,500 for apparent violation of Rule 25-4.043, Florida Administrative Code, should not be assessed or Certificate Number 3549 should not be canceled?

Recommendation: Yes. The Commission should require Nationwide to show cause in writing within 20 days of issuance of the Commission's order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, in regard to its interexchange telecommunications certificate, \$250 for apparent violation of Rule 25-24.630, Florida Administrative Code, and \$1,500 for apparent violation of Rule 25-4.043, Florida Administrative Code, or Certificate Number 3549 should not be canceled. The company's response should contain specific disputed allegations of fact or law. If Nationwide fails to respond to the show cause, the fines should be deemed assessed. If the fines and

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURESMAJORITYDISSENTING


Susan Clark

Joe Taccia

Terry Wearn

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

00220 JAN-78

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regulatory assessment fees, along with statutory penalties and interest, are not paid and the required information not furnished within 5 business days after the order becomes final, Certificate Number 3549 should be canceled. If the fines are paid, they should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

APPROVED

Issue 2: Should the Commission order Nationwide Communications of Michigan, Inc. to show cause in writing why a fine of \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, in regard to its pay telephone certificate should not be assessed or Certificate Number 3950 should not be canceled?

Recommendation: Yes. The Commission should require Nationwide to show cause in writing within 20 days of issuance of the Commission's order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, in regard to its pay telephone certificate, or Certificate Number 3950 should not be canceled. The company's response should contain specific disputed allegations of fact or law. If Nationwide fails to respond to the show cause, the fines should be deemed assessed. If the fines and regulatory assessment fees, along with statutory penalties and interest, are not paid within 5 business days after the order becomes final, Certificate Number 3950 should be canceled. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

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Issue 3: Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to Nationwide pursuant to Rule 25-24.4701(3), Florida Administrative Code, if Certificate Number 3549 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 Nationwide if Nationwide's certificate is canceled at the conclusion of the show cause process for failure to submit the delinquent regulatory assessment fees, pay the fines, and submit the required information required in Issue 1. The order should state that any IXC providing service to Nationwide 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 this docket be closed?

Recommendation: If staff's recommendation in Issues 1 and 2 is approved, an order to show cause will be issued. If Nationwide 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 Issue 3 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. If Nationwide does not respond to the Commission's order to show cause, the fines should be assessed. If no timely protest of Issue 3 is filed, Nationwide fails to respond to the order to show cause, and the fines, fees and required information are not received within five business days after expiration of the show cause response period, Nationwide's certificate should be canceled and this docket closed administratively.

APPROVED