

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 1, 2000

RE: DOCKET NO. 992031-TI - Initiation of show cause proceedings against Digital Network Services, Inc. d/b/a Digital Network Operator Services, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Issue 1: Should Digital Network Services, Inc. d/b/a Digital Network Operator Services, Inc. be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be imposed or Certificate Number 4450 should not be canceled?

Recommendation: Yes. The Commission should order Digital to show cause in writing within 21 days of issuance of the Commission's order why it should not have Certificate Number 4450 canceled or be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact or law. If Digital fails to respond to the show cause,

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan J. Clark
Joe Torcia
J. Terry Dean

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01391 FEB-28

FPSC-RECORDS/REPORTING

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and the fine is not paid within 10 business days after the 21-day show cause period, Certificate Number 4450 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.

APPROVED

Issue 2: Should the Commission order Digital Network Services, Inc. d/b/a Digital Network Operator Services, Inc. to provide a written response addressing the questions in staff's July 29, 1999, correspondence (Attachment A to staff's January 20, 2000 memorandum) within ten business days of issuance of the Commission's order?

Recommendation: Yes. The Commission should order Digital to provide a written response addressing the questions in staff's July 29, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order. If the information is not provided in accordance with the Commission order, a show cause proceeding may be initiated.

APPROVED

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Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Digital will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not have its certificate canceled or be fined in the amount proposed. If Digital timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. This docket should also remain open pending receipt of the information requested in staff's July 29, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order.

Staff recommends that if Digital fails to respond to the order to show cause, and the fine is not received within ten business days after expiration of the show cause response period, the company's certificate should be canceled. If the requested information is not provided within ten business days of issuance of the Commission's order, this docket should remain open pending the initiation of further show cause proceedings. If Digital provides the requested information, and pays the fine recommended in Issue 1, this docket should be closed.

APPROVED