

VOTE SHEET

AUGUST 18, 1997

RE: DOCKET NO. 970870-TI - Initiation of show cause proceedings against BizNet Communications 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 BizNet to show cause in writing within 20 days of the issuance of the order why a fine of \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and \$10,000 for violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be assessed?

Recommendation: Yes. If the fine is paid it will be forwarded to the Office of the Comptroller for deposit in 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 of commissioners under the MAJORITY column.

Blank lines for signatures under the DISSENTING column.

REMARKS/DISSENTING COMMENTS

DOCUMENT NUMBER-DATE
08332 AUG 18 97
FPSC-RECORDS/REPORTING

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MONDAY, AUGUST 18

DOCKET NO. 970870-TI - Initiation of show cause proceedings against BizNet Communications 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.

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

Recommendation: Yes. Pursuant to Rule 25-24.4701(3), Florida Administrative Code, the Commission should order all certificated interexchange companies to discontinue interexchange telecommunications service to BizNet. It appears that BizNet has been providing interexchange telecommunications services without certification. 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 concluded and if service should be discontinued.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: Yes. If BizNet does not respond, in writing, to the allegations set forth in the show cause order within 20 days of the issuance of the order and if no protest is filed to the Commission's proposed agency action decision in Issue 2, the fines 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.

APPROVED