

VOTE SHEET

SEPTEMBER 9, 1997

RE: DOCKET NO. 970446-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 2950 issued to TelNex, Inc. for violation of Rule 25-24.480(2)(a)(b), F.A.C., Records and Reports; Rules Incorporated, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

Issue 1: Should the Commission impose a \$500 fine or cancel Telnex, Inc.'s (TXI) Interexchange Telecommunications Certificate No. 2950 for apparent violation of Rule 25-24.480 (2) (a) and (b), Florida Administrative Code, Records and Reports; Rules Incorporated?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate unless the fine and information required by Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records and Reports; Rules Incorporated, are 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 required information and fine are not received, the fine should be assessed or Certificate No. 2950 should be canceled. After reasonable collection efforts have been made, any uncollected fine should be referred to the Office of the Comptroller for collection.

**MODIFIED**

*Since RAFs have been paid, Cancellation proceedings will not continue. However, the \$500 fine will still be imposed.*

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in majority column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09107 SEP 10 97

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission impose a \$500 fine or cancel TelNex, Inc.'s (TXI) Interexchange Telecommunications Certificate No. 2950 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 unless the fine and regulatory assessment fees, including statutory penalties and interest, required by Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, are 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 required information and fine are not received, the fine should be assessed and certificate no. 2950 should be canceled. After reasonable collection efforts have been made, any uncollected fine should be referred to the Office of the Comptroller for collection.

**MODIFIED**

*See Issue 1*

Issue 3: Should the Commission order all certificated interexchange telecommunication companies to discontinue providing interexchange telecommunications service to TelNex, Inc. (TXI) pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, if Certificate Number 2950 is canceled?

Recommendation: Yes. Pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, the Commission should order all certificated interexchange companies to discontinue providing interexchange telecommunications service to TXI if TXI's certificate is canceled at the conclusion of the protest period for failure to provide the information or pay the fines as required in Issue 1 and 2. The Order should state that any IXC providing service to TXI 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.

**DENIED**

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ISSUE 4: 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 or cancellation of the certificate, this docket should be closed.

**MODIFIED**

*See Issues 1 and 2*