

VOTE SHEET

OCTOBER 6, 1998

RE: DOCKET NO. 971492-TI - Initiation of show cause proceedings against AT&T Communications of the Southern States, Inc. and d/b/a Connect 'N Save for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection.

Issue A: Should the Commission accept AT&T's proposed settlement offer as resolution to the apparent slamming violations?

Recommendation: No. The Commission should not accept AT&T's proposed settlement offer and should issue a show cause order as recommended in Issue 1.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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*Susan D. Clark*

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*A. Terry Deas*

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*Joe Garcia*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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(Continued from previous page)

Issue 1: Should the Commission order AT&T to show cause why it should not have Certificate Number 69 canceled or be fined for apparent violation of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

Recommendation: Yes. The Commission should order AT&T to show cause in writing within 20 days of the effective date of the order why it should not have Certificate Number 69 canceled or be fined \$30,000 per apparent violation for a total of \$5,490,000. The fine is for apparent violation of Rule 25-4.118, Florida Administrative Code. Any collected fine monies should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

**APPROVED**

Issue 2: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then AT&T will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If AT&T timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If AT&T does not respond to the Commission's order to show cause, the fines should be assessed. Staff recommends that, if AT&T fails to respond to the order to show cause, and the fines are not received within five business days after expiration of the show cause response period, AT&T's certificate should be canceled and this docket closed administratively.

**APPROVED**