

VOTE SHEET

FEBRUARY 20, 2001

RE: DOCKET NO. 010125-TX - Initiation of show cause proceedings against Atlantic.Net Broadband, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Issue 1: Should the Commission order Atlantic.Net Broadband, Inc. to show cause why it should not be fined \$25,000 or Certificate Number 6070 should not be canceled for apparent failure to provide the Commission access to information in accordance with Section 364.183(1), Florida Statutes, Access to Company Records?

Recommendation: Yes. The Commission should order Atlantic.Net Broadband, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$25,000 or have Certificate Number 6070 canceled for apparent failure to provide the Commission access to information in accordance with Section 364.183(1), Florida Statutes, Access to Company Records. Atlantic.Net Broadband, Inc.'s response should contain specific allegations of fact and law. If Atlantic.Net Broadband, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period and the fine is not paid within ten business days after the 21-day response period, the facts should be deemed admitted, the right to a hearing should

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

*To the April 3,
2001 Commission
Conference*

DEFERRED

DOCUMENT NUMBER-DATE

02392 FEB 21 01

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be deemed waived and Certificate Number 6070 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.

Issue 2: Should this docket be closed?

Recommendation: No. If staff's recommendation in Issue 1 is approved and Atlantic.Net Broadband, Inc. timely responds to the Order to Show Cause, this docket should remain open pending the outcome of the show cause proceedings.

Staff recommends that if Atlantic.Net Broadband, Inc. fails to respond to the Order to Show Cause within the 21-day show cause response period and the fine is not received within ten business days after the expiration of the show cause response period, then Certificate Number 6070 should be canceled and this docket may be closed administratively. If Atlantic.Net Broadband, Inc. pays the fine recommended in Issue 1, this docket should be closed administratively.