

VOTE SHEET

SEPTEMBER 16, 2003

RE: Docket No. 030795-TX - Compliance investigation of Hosting-Network, Inc. for apparent violation of Rules 25-22.032(5)(a), F.A.C., Customer Complaints, 25-24.835, F.A.C., Rules Incorporated, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

ISSUE 1: Should the Commission impose a penalty on Hosting-Network, Inc. of \$10,000 per apparent violation, for a total of \$50,000, for the five apparent violations of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints, to be paid to the Florida Public Service Commission within 14 calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Hosting-Network, Inc. fails to timely protest the Commission's Order and fails to pay the \$50,000 penalty within 14 calendar days after the issuance of the Consummating Order, Certificate No. 7840 should be canceled and the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Paul M. Davis
Maule
Mark
John
Melby Bradley

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER DATE

08764 SEP 16 03

FPSC-COMMISSION CLERK

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ISSUE 2: Should the Commission impose a \$500 penalty on Hosting-Network, Inc. for apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated, to be paid to the Florida Public Service Commission within 14 calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Hosting-Network, Inc. fails to timely protest the Commission's Order and fails to pay the \$500 penalty within 14 calendar days after the issuance of the Consummating Order, Certificate No. 7840 should be canceled and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

APPROVED

ISSUE 3: Should the Commission impose a \$500 penalty on Hosting-Network, Inc. or cancel Certificate No. 7840 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25.24.835, Florida Administrative Code, Rules Incorporated, to be paid to the Florida Public Service Commission within 14 calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Hosting-Network, Inc. fails to timely protest the Commission's Order and fails to pay the \$500 penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, within 14 calendar days after the issuance of the Consummating Order, Certificate No. 7840 should be canceled, and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida. If the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received in accordance with the Commission's Order, the collection of the past due fees should be referred to the Department of Financial Services for further collection efforts.

APPROVED

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Docket No. 030795-TX - Compliance investigation of Hosting-Network, Inc. for apparent violation of Rules 25-22.032(5)(a), F.A.C., Customer Complaints, 25-24.835, F.A.C., Rules Incorporated, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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ISSUE 4: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested, this docket should be closed upon receipt of the payment of the penalties and fees or the cancellation of the company's certificate.

APPROVED