

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MAY 18, 2004

RE: Docket No. 020645-TI - Compliance investigation of UKI Communications, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, and Toll Provider Selection.

Docket No. 031031-TI - Compliance investigation of Miko Telephone Communications, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

Docket No. 040062-TI - Compliance investigation of New Century Telecom, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

Docket No. 040289-TI - Compliance investigation of Optical Telephone Corporation for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection. (Deferred from May 3, 2004 conference; revised recommendation filed.)

Issue 1: Should the Commission penalize Miko Telephone Communications, Inc. \$10,000 per apparent violation, for a total of \$1,540,000 for 154 apparent violations of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection?

Recommendation: Yes. If Miko Telephone Communications, Inc. fails to request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If the company fails to pay the amount of the penalty within fourteen calendar days after issuance of the Consummating Order, registration number TJ561 should be removed from the register, the company's tariff should be cancelled, and the company should also be required to immediately cease and desist providing intrastate interexchange telecommunications service within Florida.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Five horizontal lines for majority signatures.

Five horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

Commissioner Davidson participated in the conference by telephone. He agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

DOCUMENT NUMBER-DATE

05723 MAY 19 04

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Issue 2: Should the Commission penalize New Century Telecom, Inc. \$10,000 per apparent violation, for a total of \$420,000, for 42 apparent violations of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection?

Recommendation: Yes. If New Century Telecom, Inc. fails to request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If the company fails to pay the amount of the penalty within fourteen calendar days after issuance of the Consummating Order, registration number TI427 should be removed from the register, the company's tariff should be cancelled, and the company should also be required to immediately cease and desist providing intrastate interexchange telecommunications service within Florida.

Issue 3: Should the Commission penalize UKI Communications, Inc. \$250,000 for apparent violation of Proposed Agency Action Order No. PSC-03-0990-PAA-TI, issued on September 3, 2003, made final and effective by Consummating Order No. PSC-03-1078-CO-TI, issued on September 30, 2003?

Recommendation: Yes. If UKI Communications, Inc. fails to request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If the company fails to pay the amount of the penalty and the Regulatory Assessment Fees with statutory penalty and interest it was ordered to pay in PAA Order No. PSC-03-0990-PAA-TI within fourteen calendar days after issuance of the Consummating Order, the collection of the penalty and the Regulatory Assessment Fees with statutory penalty and interest should be referred to the Department of Financial Services. This docket should be closed administratively upon either receipt of the payment of the penalty and the Regulatory Assessment Fees with statutory penalty and interest or upon their referral to the Department of Financial Services.

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Issue 4: Should the Commission penalize Optical Telephone Corporation \$10,000 per apparent violation, for a total of \$340,000, for 34 apparent violations of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection?

Recommendation: Yes. If Optical Telephone Corporation fails to request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If the company fails to pay the amount of the penalty within fourteen calendar days after issuance of the Consummating Order, registration number TJ551 should be removed from the register, the company's tariff should be cancelled, and the company should also be required to immediately cease and desist providing intrastate interexchange telecommunications services within Florida.

Issue 5: ~~If staff's recommendation in Issue 1, Issue 2, Issue 3, or Issue 4, is approved, and the company's registration number is removed from the register, and the company's tariff is cancelled, and the company is required to immediately cease and desist providing intrastate interexchange telecommunications services within Florida, the Commission should order any company that bills for any company to cease and desist billing Florida customers for said company? If, as a result of the Commission's Order resulting from this recommendation, any company is ordered to cease and desist providing intrastate interexchange telecommunications service in Florida, should the Commission also order any company that is providing billing services for the penalized company to stop billing in Florida for the affected company?~~

Recommendation: Yes.