

VOTE SHEET

JUNE 29, 2004

RE: 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. (Deferred from May 18, 2004 conference; revised recommendation filed.)

Issue 1: Should the Commission accept New Century Telecom, Inc.'s settlement offer to resolve forty-two (42) apparent violations of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection?

Recommendation: No. The Commission should reject New Century Telecom, Inc.'s settlement offer. Instead, the Commission should penalize the company \$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. 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.

**DEFERRED**

*This item was deferred to allow a 30-day negotiation period between New Century Telecom and Staff re: settlement*

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in majority column]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

07136 JUN 29 04

VOTE SHEET

JUNE 29, 2004

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. (Deferred from May 18, 2004 conference; revised recommendation filed.)

(Continued from previous page)

Issue 2: If, as a result of the Commission's Order resulting from this recommendation, New Century Telecom, Inc. 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 or underlying carrier services for New Century Telecom, Inc. to stop providing service for it in Florida?

Recommendation: Yes.

**DEFERRED**

Issue 3: Should this docket be closed?

Recommendation: Staff recommends that the Commission take action as set forth in the analysis portion of staff's June 17, 2004 memorandum.

**DEFERRED**