

VOTE SHEET

DATE: APRIL 14, 1997

RE: DOCKET NO. 961233-TI - Initiation of show cause proceedings against Fox Fiber Optics for violation of Rules 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, and 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Issue 1: Recommendation that Fox Fiber Optics be ordered to show cause in writing within 20 days of the Commission's show cause order why it should not be fined \$100,000 for the apparent violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, and \$25,000 for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, with fine monies forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285, F.S.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the Majority column: Dale J. Farnsworth, Terry Hear, Ron L. Smith, Susan J. Clark]

DOCUMENT NUMBER - DATE

03885 APR 16 5

FPSC-RECORDS/REPORTING

REMARKS/DISSENTING COMMENTS:

PSC/RAR33 (5/90)

COMMISSIONER CLARK PARTICIPATED IN THE VOTE VIA 2-WAY CONFERENCE CALL. IN HER ORAL VOTE, SHE: AGREED WITH THE MAJORITY / DISSENTED. COMMISSIONER CLARK WILL SIGN THE ORIGINAL VOTE SHEET UPON HER RETURN TO TALLAHASSEE.

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Issue 2: Recommendation that the Commission order all certificated interexchange telecommunications companies to discontinue providing interexchange telecommunications service to Fox Fiber Optics pursuant to Rule 25-24.4701(3), F.A.C., Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited.

APPROVED

Issue 3: Recommendation that, if the Commission approves Issue No. 1, this docket should remain open pending resolution of the show cause proceeding and any protest that may be filed within 21 days of issuance of the order by a person whose substantial interests are affected by the Commission decision in Issue 2.

APPROVED