

VOTE SHEET

SEPTEMBER 9, 1997

RE: DOCKET NO. 970845-TI - Initiation of show cause proceedings against New Way Communications for violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C, Response to Commission Staff Inquiries.

Issue 1: Should the Commission order New Way Communications to show cause in writing why a fine of \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, and \$10,000 for violation of Rule 25-4.043, Florida Administrative Code, should not be assessed?

Recommendation: Yes. Due to the fact that New Way Communications is unresponsive to staff inquiries, and it appears that New Way Communications is providing telecommunications service without a certificate, staff believes the Commission should require New Way to show cause in writing within 20 days of the issuance of the Commission's Order why it should not be fined \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response must contain specific allegations of fact or law. If New Way fails to respond to the show cause, the fine will be deemed assessed. If the fine is not paid after reasonable collection efforts by the Commission, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on a set of four horizontal lines.

Four horizontal lines for dissenting signatures, all of which are blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
09079 SEP 10 97
FPSC-RECORDS/REPORTING

VOTE SHEET

SEPTEMBER 9, 1997

DOCKET NO. 970845-TI - Initiation of show cause proceedings against New Way Communications for violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C, Response to Commission Staff Inquiries.

(Continued from previous page)

Issue 2: Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to New Way, pursuant to Rule 25-24.470(3), Florida Administrative Code?

Recommendation: Yes. It appears that New Way may be operating in Florida without a certificate in violation of Rule 25-24.470, Florida Administrative Code. The order should state that any IXC providing service to the company must contact the Commission at the conclusion of the show cause response period to determine if the show cause proceeding has been concluded.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, an Order to Show Cause will be issued. If New Way timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. The docket should also remain open to process any protest to Issue 2 that may be filed within 21 days of the issuance of the Order by a person whose substantial interests are affected by the Commission's Proposed Agency Action. If New Way does not respond to the Commission's Order to Show Cause, the fine should be assessed. If no timely protest of Issue 2 is filed and New Way fails to respond to the Order to Show Cause, this docket may be closed.

APPROVED