

VOTE SHEET

FEBRUARY 3, 1998

RE: DOCKET NO. 971482-TI - Initiation of show cause proceedings against Minimum Rate Pricing, Inc. for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection. (Deferred from the 1/20/98 Commission Conference)

Issue 1: Should the Commission order Minimum Rate Pricing, Inc. to show cause why it should not have Certificate Number 4417 canceled or be fined \$10,000 per violation for a total of \$470,000 for failure to comply with Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

Recommendation: MRP's certificate number 4417 should not be canceled at this time. The Commission should order MRP to show cause in writing within 20 days of the effective date of the order why it should not be fined \$10,000 per violation for a total of \$470,000 for failure to comply with Rule 25-4.118, Florida Administrative Code. Any collected fine monies should be forwarded to the Office of the Comptroller for deposit in the state General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

MODIFIED

Fine amount changed to \$500,000; MRP will also be required to show cause why its certificate should not be canceled.

(RAR note: Underlined language added 2/23/98 based on review of transcript. 14)

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the Majority column: Susan Clark, Jerry Deaso, and another signature]

[Empty lines in the Dissenting column]

DOCUMENT NUMBER-DATE

01761 FEB-4 98

FPSC-RECORDS/REPORTING

REMARKS/DISSENTING COMMENTS:

COMMISSIONER GARCIA PARTICIPATED IN THE VOTE VIA VIDEO TELECONFERENCE. IN HIS VOTE, HE: AGREED WITH THE MAJORITY / DISSENTED. COMMISSIONER GARCIA WILL SIGN THE ORIGINAL VOTE SHEET UPON HIS RETURN TO TALLAHASSEE.

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Issue 2: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, MRP will have 20 days from issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If MRP timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If MRP does not respond to the Commission's order to show cause, the fines should be assessed. While staff does not recommend in Issue 1 that MRP's certificate be canceled for slamming violations at this time, staff does recommend that, if MRP fails to respond to the order to show cause and the fines are not received within five business days after expiration of the show cause response period, MRP's certificate should be canceled and this docket closed administratively.

APPROVED