

VOTE SHEET

APRIL 28, 1998

RE: DOCKET NO. 971490-TI - Initiation of show cause proceedings against Excel Telecommunications, Inc. for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection.

Issue 1: Should the Commission order Excel to show cause why it should not have Certificate Number 2440 canceled or be fined for apparent violation of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

Recommendation: Yes. The Commission should order Excel to show cause in writing within 20 days of the effective date of the order why it should not have Certificate Number 2440 canceled or be fined \$30,000 per apparent violation for a total of \$1,140,000. Said fine is for apparent violation of 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.

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Deferred To 5/19/98

DOCUMENT NUMBER-DATE

04749 APR 29 8

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission accept the settlement offer proposed by Excel Telecommunications, Inc. to resolve the apparent violations of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

Recommendation: No. The Commission should not accept the settlement offer proposed by Excel.

Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, Excel 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. If Excel timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Excel does not respond to the Commission's Order to Show Cause, the penalties should be deemed assessed. If Excel 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, Excel's certificate should be canceled and this docket closed administratively. If staff's recommendation in Issue 1 is not approved and the settlement offer is accepted, this docket should be closed.