

VOTE SHEET

OCTOBER 6, 1998

RE: DOCKET NO. 980661-TI - Request for cancellation of Interexchange Telecommunications Certificate No. 3514 by Access Telecom, Inc., effective 5/14/98.

Issue 1: Should the Commission grant ATI a voluntary cancellation of Certificate No. 3514?
Recommendation: No.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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PSC REG. FILE REPORTING

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Issue 2: Should the Commission order ATI to show cause why it should not have Certificate Number 3514 canceled or be fined \$10,000 for apparent failure to comply with Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should order ATI to show cause in writing within 21 days of the issuance date of the order why it should not be fined \$10,000 or have its certificate canceled for failure to comply with Rule 25-4.043, 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.

APPROVED

Issue 3: Should the Commission order ATI to show cause why it should not be fined \$25,000 for apparent failure to comply with Rule 25-24.935, Florida Administrative Code, Discontinuance of Service?

Recommendation: Yes. The Commission should order ATI to show cause in writing within 21 days of the issuance date of the order why it should not be fined \$25,000 for failure to comply with Rule 25-24.935, 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.

APPROVED

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Issue 4: Should this docket be closed?

Recommendation: If staff's recommendation in Issues 1 and 2 are approved, then ATI will have 21 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 staff's recommendation in Issue 3 is approved, then ATI will have 21 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 ATI timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If ATI does not respond to the show cause order, the fines should be deemed assessed. Staff recommends that, if ATI 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, then ATI's certificate should be canceled as a result of Issue 2 and the fine assessed in Issue 3. This docket can then be closed administratively. If after reasonable efforts the Commission is unable to collect the fine, then it should be forwarded to the Comptroller's Office for collection.

APPROVED