

VOTE SHEET

NOVEMBER 3, 1998

RE: DOCKET NO. 981247-TI - Initiation of show cause proceedings against American Nortel Communications, Inc. for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection.

Issue 1: Should the Commission order Nortel to show cause why it should not have Certificate Number 5336 canceled or be fined \$10,000 per violation for a total of \$160,000 for failure to comply with Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

Recommendation: Yes. The Commission should order Nortel 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 \$160,000 or have its certificate canceled 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.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: Susan Clark, J. Terry Dean, Joe Francis]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

12309 NOV -4 98

FPSC-RECORDS/REPORTING

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Issue 2: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Nortel 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 Nortel timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Nortel 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 Nortel's certificate be canceled for slamming violations at this time, staff does recommend that, if Nortel 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, Nortel's certificate should be canceled and this docket closed administratively.

APPROVED