

VOTE SHEET

MARCH 30, 1999

RE: DOCKET NO. 981571-TL - Joint petition of BellSouth Telecommunications, Inc. and Sprint-Florida, Incorporated to modify certain exchange boundaries.

Issue 1: Should the joint petition filed by BellSouth and Sprint to modify certain exchange boundaries in Orange and Hernando counties be approved?

Recommendation: No. The joint petition filed by BellSouth and Sprint should not be approved because it does not meet the requirements of Rules 25-4.005(1)(a)(b)(c) and 25-4.005(3), Florida Administrative Code, Transfer of Certificate of Public Convenience and Necessity as to All or a Portion of Service Areas. Staff recommends that BellSouth and Sprint be required to submit a complete and accurately documented petition.

DEFERRED

Issue 2: Should the Commission order BellSouth and Sprint to show cause why they each should not be fined \$25,000 per occurrence for non-compliance with Rule 25-4.004, Florida Administrative Code, Certificates of Public Convenience and Necessity, and Rule 25-4.005(1)(a)(b)(c) and 25-4.005(3), Florida Administrative Code, Transfer of Certificate of Public Convenience and Necessity as to All or a Portion of Service Areas?

Recommendation: Yes. The Commission should order BellSouth to show cause why it should not be fined \$25,000 per occurrence for non-compliance with

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS: *Staff to advise.*

DOCUMENT NUMBER-DATE

04102 MAR 31 89

FPSC-RECORDS/REPORTING

NOTE SHEET

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Rule 25-4.004, Certificates of Public Convenience and Necessity, Florida Administrative Code, and Rule 25-4.005(1)(a)(b)(c) and 25-4.005(3), Transfer of Certificate of Public Convenience and Necessity as to All or a Portion of Service Areas. The Commission should order Sprint to show cause why it should not be fined \$25,000 for violation of Rule 25-4.005(1)(a)(b)(c) and Rule 25-4.005(3), Florida Administrative Code, Certificates of Public Convenience and Necessity as to All or a Portion of Service Areas.

DEFERRED

Issue 3: Should this docket be closed?

Recommendation: No. If staff's recommendation in Issue 2 is approved, then BellSouth and Sprint will have 21 days from issuance of the Commission's show cause order to respond in writing why they should not be fined in the amount proposed. If BellSouth and Sprint timely respond to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If BellSouth and Sprint do not respond to the Commission's order to show cause in Issue 2, and no person whose substantial interests are affected files a timely protest of Issue 1, the fines should be deemed assessed and this docket closed. After reasonable collection efforts have been made, the fines should be forwarded to the Comptroller's Office for collection. If Issue 2 is denied, this docket should be closed within 21 days of issuance of the Commission's proposed agency action order, if no one whose substantial interests are affected timely files a protest to Issue 1.

DEFERRED