

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MAY 18, 1999

RE: DOCKET NO. 990497-TI - Initiation of show cause proceedings against Communication Express, Inc. d/b/a CommEx for apparent violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection, Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

Issue 1: Should the Commission order Communication Express, Inc. d/b/a CommEx to show cause in writing why a fine of \$20,000 for apparent violation of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection, \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, and \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, should not be imposed or certificate number 5487 should not be canceled?

Recommendation: Yes. The Commission should order CommEx to show cause in writing within 21 days of the issuance of the Commission's Order why it should not have certificate number 5487 canceled or be fined \$20,000 for apparent violation of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection, \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, and \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees. The company's response should contain specific allegations of fact or law. If CommEx fails to respond to the show cause, and the fines and fees are not paid within 5 business days after the 21-day show cause period, the delinquent regulatory assessment fees,

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Susan Clark, Joe Garcia, J. Jerry Dean, and another signature.

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

Blank lines for remarks or dissenting comments.

DOCUMENT NUMBER-DATE
06288 MAY 18 99
FPSC-RECORDS/REPORTING

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including statutory penalties and interest, should be forwarded to the Comptroller's Office for collection and certificate number 5487 should be canceled. If the fines are paid, they should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: This docket should remain open pending resolution of the show cause proceeding. If, however, CommEx fails to respond to the Commission's order to show cause and fails to pay the fines and fees, including statutory penalties and interest, within 5 business days of the Order becoming final, the certificate should be canceled and this docket closed.

APPROVED