

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 19, 1999

RE: DOCKET NO. 991305-TI - Initiation of show cause proceedings against Atlantic Telephone Company, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection (formerly Interexchange Carrier Selection), and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Issue 1: Should the Commission order Atlantic Telephone Company, Inc. to show cause why it should not be fined \$160,000 or have Certificate No. 2697 canceled for apparent violation of Rule 25-4.118(1), Florida Administrative Code, Local, Local Toll, or Toll Provider Selection (Formerly Interexchange Carrier Selection)?

Recommendation: Yes. The Commission should order Atlantic to show cause in writing within 21 days of issuance of the Commission's order why it should not have Certificate No. 2697 canceled or be fined \$160,000 for apparent violation of Rule 25-4.118(1), Florida Administrative Code, Local, Local Toll, or Toll Provider Selection (Formerly Interexchange Carrier Selection). The company's response should contain specific allegations of fact or law. If Atlantic fails to respond to the show cause, and the fines are not paid within 10 business days after the 21-day show cause period, Certificate No. 2697 should be canceled. If the fines are paid, they should be remitted by the Commission to the State of Florida General

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in majority column]*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Revenue Fund pursuant to Section 364.285, Florida Statutes. Atlantic should submit a written report to staff within 90 days of the order becoming final of all customers that were switched without authorization to Atlantic that have not been switched back to their preferred carrier.

# APPROVED

Issue 2: Should the Commission order Atlantic Telephone Company, Inc. to show cause why a fine of \$80,000 should not be imposed for violation of Rule 25-4.118(5), Florida Administrative Code, Local, Local Toll and Toll Provider Selection (Formerly Interexchange Carrier Selection), to rerate customers affected by the unauthorized changes in service in accord with Rule 25-4.118(5), Florida Administrative Code, Local, Local Toll and Toll Provider Selection (Formerly Interexchange Carrier Selection), and to cease collection activity on these accounts?

Recommendation: Yes. The Commission should order Atlantic to show cause in writing within 21 days of issuance of the Commission's order why it should not be fined \$80,000 for apparent violation of Rule 25-4.118(5), Florida Administrative Code, to rerate customers affected by the unauthorized changes in service in accord with Rule 25-4.118(5), Florida Administrative Code, and to cease collection activity on these accounts. The company's response should contain specific allegations of fact or law. If Atlantic fails to respond to the show cause order, the fine should be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285,

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Florida Statutes. Atlantic should complete the rerates and credits within 90 days of the order becoming final. Atlantic should submit monthly status reports due on the last day of each month to staff until all rerates and credits have been issued.

**APPROVED**

Issue 3: Should the Commission order Atlantic Telephone Company, Inc. to show cause why a fine of \$10,000 should not be imposed for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should order Atlantic to show cause in writing within 21 days of the date of the order why it should not be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code. Atlantic's response must contain specific allegations of fact or law. If Atlantic fails to respond to the show cause order, the fines should be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

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Issue 4: Should the Commission order Atlantic Telephone Company, Inc. to show cause why a fine of \$500 should not be imposed for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should order Atlantic to show cause in writing within 21 days of the date of the order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code. Atlantic's response must contain specific allegations of fact or law. If Atlantic fails to respond to the show cause order, the fines should be deemed assessed. If the fines and regulatory assessment fees, along with statutory penalties and interest, are not paid within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

**APPROVED**

Issue 5: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Atlantic 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 recommendations in Issues 2, 3, and 4 are approved, then Atlantic 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 amounts proposed. If Atlantic timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Atlantic does not respond to the show cause order, and the fines and fees, including statutory penalties and interest, are not received within ten business days after expiration of the

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show cause response period, then Atlantic's certificate should be canceled for the violations cited in Issue 1 and the fines in Issues 2, 3, and 4 should be imposed for the violations cited in Issues 2, 3, and 4 and forwarded to the Comptroller's Office for collection. This docket can then be closed.

**APPROVED**