

VOTE SHEET

FEBRUARY 1, 2000

RE: DOCKET NO. 000035-TI - Initiation of show cause proceedings against American Network Exchange, Inc. d/b/a AMNEX for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Issue 1: Should American Network Exchange, Inc. d/b/a AMNEX be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be imposed or Certificate Number 1527 should not be canceled?

Recommendation: Yes. The Commission should order AMNEX to show cause in writing within 21 days of issuance of the Commission's order why it should not have Certificate Number 1527 canceled or be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact or law. If AMNEX fails to respond to the show cause, and the fine is not paid within 10 business days after the 21-day show cause period, Certificate Number 1527 should be canceled. 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, Florida Statutes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan J. Clark

Joe Francis

J. Terry Heasler

S. L. [Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01395 FEB-28

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Issue 2: Should the Commission order American Network Exchange, Inc. d/b/a AMNEX to provide a written response addressing the questions in staff's August 2, 1999, correspondence (Attachment A to staff's January 20, 2000 memorandum) within ten business days of the issuance of Commission's order?

Recommendation: Yes. The Commission should order AMNEX to provide a written response addressing the questions in staff's August 2, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order. If the information is not provided in accordance with the Commission order, a show cause proceeding may be initiated.

APPROVED

Issue 3: Should the Commission fine American Network Exchange, Inc. d/b/a AMNEX \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine for failure to comply with Rule 25-4.0161, Florida Administrative Code. The fine should be remitted within ten business days after issuance of the consummating order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and statutory penalty and interest charges are not received, the company's certificate should be canceled administratively.

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Issue 4: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then AMNEX will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not have its certificate canceled or be fined in the amount proposed. If AMNEX timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. This docket should also remain open pending receipt of the information requested in staff's August 2, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order and to process any protest to Issue 3 that may be filed within 21 days of issuance of the order by a person whose substantial interests are affected by the Commission's Proposed Agency Action.

Staff recommends that if AMNEX fails to respond to the order to show cause and the fine is not received within ten business days after

APPROVED