

VOTE SHEET

AUGUST 29, 2000

RE: DOCKET NO. 000630-TI - Initiation of show cause proceedings against NOS Communications, Inc. d/b/a International Plus d/b/a 011 Communications d/b/a The Internet Business Association for violation of Rules 25-24.485, F.A.C., Tariffs, and 25-24.490, F.A.C., Customer Relations; Rules Incorporated.

DOCKET NO. 000631-TI - Initiation of show cause proceedings against NOSVA Limited Partnership for violation of Rules 25-24.485, F.A.C., Tariffs, and 25-24.490, F.A.C., Customer Relations; Rules Incorporated.

DOCKET NO. 000632-TI - Initiation of show cause proceedings against Affinity Network, Inc. d/b/a QuantumLink Communications d/b/a HorizonOne Communications for violation of Rules 25-24.485, F.A.C., Tariffs, and 25-24.490, F.A.C., Customer Relations; Rules Incorporated. (Deferred from the July 11, 2000 Commission Conference.)

Issue 1: Should the Commission order NOS and its affiliated companies to show cause within 21 days of the issuance of the Commission's Order why each company should not be required to pay a fine in the amount of \$100,000 or have its respective certificates canceled for violation of Rule 25-24.485, Florida Administrative Code?

Recommendation: Yes. The Commission should order NOS and its affiliated companies to show cause in writing within 21 days of the issuance of the

**DEFERRED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

*TD the Sept. 26, 2000  
Commissioner Conference.*

DOCUMENT NUMBER-DATE

10714 AUG 30 8

FPSC-RECORDS/REPORTING

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(Continued from previous page)

Commission's Order why they should not be required to pay a fine in the amount of \$100,000 each or have their respective certificates canceled for violation of Rule 25-24.485, Florida Administrative Code. Each company's response should contain specific allegations of fact and law. If any company fails to respond to the show cause order, or request a hearing pursuant to Chapter 120, Florida Statutes, within the 21-day response period and the fine is not paid within 10 business days after the conclusion of the 21-day period, the facts should be deemed admitted, and the right to a hearing waived. Thus, the Company's respective certificates 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.

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Issue 2: Should these dockets be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, NOS and its affiliated companies will have 21 days from the issuance of the Commission's show cause order to respond in writing why they should not be fined in the amount proposed, or, if the fine is not paid, have their certificates revoked. If the Companies timely respond to the show cause order, these dockets should remain open pending resolution of the show cause proceeding. If the Companies do not respond to the Show Cause Order, the fines should be deemed assessed. Staff recommends that if the Companies fail to respond to the Order to Show Cause, and the fines are not received within 10 business days after the expiration of the show cause response period, then the Companies' certificates should be revoked. These dockets can then be closed administratively. If after reasonable efforts the Commission is unable to collect the fine, then it should be forwarded to the Comptroller's Office for collection.