

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

AUGUST 29, 2000

RE: DOCKET NO. 991459-TI - Investigation of possible violation of Commission rules or of Chapter 364, Florida Statutes, by Excel Telecommunications, Inc., and imposition of appropriate penalty.

Issue 1: Should the Commission accept the settlement offer proposed by Excel Telecommunications, Inc. to resolve the apparent violations of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection?

Recommendation: Yes. The Commission should accept the company's settlement proposal. The contribution should be received by the Commission within ten business days after issuance of the Commission's Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the settlement offer, the company's certificate should be canceled, and this docket should be closed.

**APPROVED**

COMMISSIONERS ASSIGNED: JC JB

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10726 AUG 30 8

FPSC-RECORDS/REPORTING

NOTE SHEET

AUGUST 29, 2000

DOCKET NO. 991459-TI - Investigation of possible violation of Commission rules or of Chapter 364, Florida Statutes, by Excel Telecommunications, Inc., and imposition of appropriate penalty.

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Issue 2: Should this docket be closed?

Recommendation: No. With the approval of Issue 1, the prehearing and hearing may be canceled, but this docket should remain open pending the remittance of the \$400,000 voluntary contribution within ten business days after issuance of the Commission's Order. Upon remittance of the \$400,000 settlement, this docket should be closed. The \$400,000 settlement should be 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 company fails to pay in accordance with the terms of the settlement offer, the company's certificate should be canceled, and this docket should be closed. If Issue 1 is not approved, new dates will be established for hearing.

**APPROVED**