

VOTE SHEET

APRIL 3, 2001

RE: DOCKET NO. 010245-TI - Initiation of show cause proceedings against OLS, Inc. for apparent violations of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection, and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

ISSUE 1: Should the Commission order OLS to show cause why it should not be fined \$10,000 per apparent violation, for a total of \$490,000, or have Certificate No. 5224 canceled for apparent violations of Rule 25-4.118, Florida Administrative Code, Toll, Local Toll, or Toll Provider Selection? RECOMMENDATION: Yes. The Commission should order OLS to show cause in writing within 21 days of the Commission's order why it should not be fined \$10,000 per violation, totaling \$490,000, for apparent violations of Rule 25-4.118, Florida Administrative Code, Toll, Local Toll, or Toll Provider Selection. The company's response should contain specific allegations of fact and law. If OLS fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts shall be deemed admitted, the right to a hearing waived, and the fine shall be deemed assessed. If OLS pays the fine, it should be remitted by the Commission to the State of Florida General

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

*To the May 1, 2001  
Commission conference*

**DEFERRED**

DOCUMENT NUMBER-DATE

04146 APR-40

FPSC-RECORDS/REPORTING

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Revenue Fund pursuant to Section 364.285, Florida Statutes. If the company fails to respond to the Order to Show Cause, and the fine is not paid within ten business days after the expiration of the show cause response period, Certificate No. 5224 shall be canceled administratively.

ISSUE 2: Should the Commission fine OLS \$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, Regulatory Assessment Fees; Telecommunications Companies. The fine should be remitted within ten business days after the issuance of the Consummating Order and forwarded to the Office of the Comptroller for deposit in the State Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested within 21 days and the fine, statutory penalty, and interest charges are not received by the Commission within ten business days after the issuance of the Consummating Order, they should be forwarded to the Office of the Comptroller for collection.

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ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation in Issue 1 is approved, OLS will have 21 days from the 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 OLS timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceedings and to process any protest to Issue 2 that may be filed within 21 days of the issuance of the Order by a person whose substantial interests are affected by the Commission's Proposed Agency Action.

If OLS fails to respond to the Commission's show cause order and the fine is not received within ten business days after the expiration of the 21-day show cause response period, the company's certificate should be canceled administratively. If no timely protest is filed in response to the Proposed Agency Action in Issue 2, the fine imposed in Issue 2, including statutory penalty and interest charges, should be forwarded to the Comptroller's Office for Collection. This docket may then be closed administratively.