

VOTE SHEET

MAY 29, 2001

RE: DOCKET NO. 010126-TX - Initiation of show cause proceedings against Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida for apparent violation of Section 364.183(1), F.S., Access to Company Records.

ISSUE 1: Should the Commission order Cellular One to show cause why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should order Cellular One to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 or have its certificate canceled for apparent failure to provide the Commission access to information in accordance with Section 364.183(1), Florida Statutes, Access to Company Records. The company's response should contain specific allegations of fact and law. If Cellular One 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 Cellular One pays the fine, it should be remitted to the State of Florida General 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. 5181 shall be canceled and this docket closed.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Palumbo
[Signature]
[Signature]
[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06702 MAY 30 2001

FPSC-REG/REG/REPORTING

VOIE SHEET

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation on Issue 1 is approved and Cellular One timely responds to the show cause order, this docket should remain open pending the resolution of the show cause proceedings.

Staff recommends that if Cellular One fails to respond to the Order to Show Cause within the 21-day show cause response period and the fine is not received within ten business days after the expiration of the show cause response period, the company's certificate should be canceled and this docket may be closed administratively. If the company pays the fine recommended in Issue 1, the docket should be closed.

APPROVED