

VOTE SHEET

SEPTEMBER 4, 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. (Deferred from April 3, 2001 conference; revised recommendation filed.)

ISSUE 1: Should the Commission accept OLS' revised settlement proposal, dated July 13, 2001, 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 OLS' revised settlement proposal, which includes a voluntary payment of \$51,000 to the State of Florida General Revenue Fund. The payment should be made in six equal monthly intervals in the amount of \$8,500 each. The first payment should be received within 30 days from the issuance date of the Commission's Final Order and should identify the docket number and company name. Each subsequent payment should be due within 30-day intervals following the first payment and should also identify the docket number and company name. The Commission should forward the payments to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If OLS fails to pay in accordance with the terms of its settlement offer, Certificate No. 5224, should be canceled and

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Palash

[Signature]

[Signature]

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10977 SEP-4 01

FPSC-COMMISSION CLERK

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this docket should be closed. OLS has waived any objection to the administrative cancellation of its certificate should it fail to pay in accordance with its settlement offer. If, however, there is a factual dispute as to the manner of level of compliance with any other provision in the settlement, staff will bring the matter to the Commission for consideration and will allow OLS an opportunity to be heard on the matter.

APPROVED

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: No.

APPROVED

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ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation in Issue 1 is approved, OLS should have 30 days from the issuance of the Commission's final order to remit its first payment of \$8,500. The docket should remain open until OLS remits five subsequent payments of \$8,500 each and provides the Commission with a report demonstrating the company's compliance with its settlement offer in conjunction with its sixth and final payment. Upon remittance of all six of its payments, totaling \$51,000, the settlement of all outstanding complaints within 30 days of the Commission's final order, and the company's demonstration that it has complied with its settlement offer, this docket should be closed administratively.

APPROVED