

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 6, 2001

RE: Docket No. 011065-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7580 issued to Next Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

ISSUE 1: Should the Commission accept the settlement offer proposed by Next Communications, Inc. to resolve the apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated?

RECOMMENDATION: No. The Commission should not accept the company's settlement offer, which proposed to pay a \$100 contribution and future regulatory assessment fees on a timely basis. Instead, the Commission should impose a \$500 fine or cancel the company's certificate if the fine and the statutory penalty and interest charges are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Palant

[Signature]

[Signature]

[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER DATE

14034 NOV-60

FPSC-COMMISSION CLERK

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the Commission's Order is not protested and the fine and statutory penalty and interest charges are not received, the company's Certificate No. 7580 should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

APPROVED

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The docket should then be closed upon receipt of the fine and fees or cancellation of the certificate.

APPROVED