

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 18, 2003

RE: Docket No. 020664-TI - Compliance investigation of bigredwire.com, Inc. for apparent violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Docket No. 021089-TI - Application for certificate to provide interexchange telecommunications service by bigredwire.com, Inc. (Deferred from February 4, 2003 conference; revised recommendation filed.)

ISSUE 1: Should the Commission accept the settlement offer proposed by bigredwire.com, Inc. (Bigredwire) to resolve the apparent violations of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: No. The Commission should not accept the settlement offer because the payment period is unduly lengthy.

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01650 FEB 18 8

FPSC-COMMISSION CLERK

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ISSUE 2: Should the Commission grant bigredwire.com, Inc. (Bigredwire) a certificate to provide interexchange telecommunications service within the state of Florida in Docket No. 021089-TI?

RECOMMENDATION: No.

ISSUE 3: Should Docket No. 020664-TI be closed?

RECOMMENDATION: If the Commission approves staff's recommendation in Issue 1, Bigredwire should be required to either remit the penalties totaling \$35,000 established in Order No. PSC-02-1285-PAA-TI or request a hearing within 21 days of the issuance of the Order from this recommendation. If the company does not request a hearing, this Docket should be closed upon issuance of an Order consummating Order No. PSC-02-1285-PAA-TI. If the penalties have not been paid before the issuance of the Consummating Order, they should be forwarded to the Department of Financial Services for further collection efforts. If, however, the company timely requests a hearing, Docket No. 020664-TI should remain open pending further Commission proceedings.

If the Commission denies staff's recommendation in Issue 1 and accepts Bigredwire's revised settlement offer, this Docket should remain open pending remittance of the \$7500 settlement offer. Each payment should be paid to the Florida Public Service Commission to be forwarded to the Department of Financial Services, and should identify the docket number and

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company name. Upon receipt of the \$7500, this Docket should be closed administratively. If, however, the company fails to comply with the payment terms set forth in its revised settlement proposal, further proceedings should be initiated.

ISSUE 4: Should Docket No. 021089-TI be closed?

RECOMMENDATION: Docket No. 021089-TI should be closed 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, and Bigredwire should cease and desist providing IXC service in Florida.