

VOTE SHEET

SEPTEMBER 16, 2003

RE: Cancellation by Florida Public Service Commission of CLEC certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

- Docket No. 030622-TX - Sun-Tel USA, Inc.
- ~~Docket No. 030624-TX - TelSouth Communications, Inc.~~ *deferred*
- Docket No. 030628-TX - Baytel Communications, Inc.
- Docket No. 030659-TX - DSL Internet Corporation d/b/a DSLi
- Docket No. 030660-TX - MYCOMP INS AGENCY CORP.
- Docket No. 030661-TX - CeriStar, Inc.
- Docket No. 030662-TX - Intertoll Communications Network Corporation
- Docket No. 030663-TX - M/C Southern Communications, Inc.
- Docket No. 030672-TX - Adventist Health System/Sunbelt, Inc. d/b/a Florida Hospital Medical Center
- Docket No. 030620-TX - Intercontinental Communications Group, Inc. d/b/a Fusion Telecom

ISSUE 1: Should the Commission impose a \$500 penalty or cancel each company's respective certificate, as listed on Attachment A of staff's September 4, 2003 memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: The Commission should impose a \$500 penalty or cancel each company's respective certificate, as listed on Attachment A of staff's memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees,

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

[Empty lines for dissenting signatures]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

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including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should be paid to the Florida Public Service Commission. If a company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, that company's certificate, as listed on Attachment A, should be cancelled administratively and the collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If a company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

APPROVED

ISSUE 2: Should the Commission impose a \$1,000 penalty or cancel Intercontinental Communications Group, Inc. d/b/a Fusion Telecom's CLEC Certificate No. 5799, as listed on Attachment B of staff's September 4, 2003 memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: The Commission should impose a \$1,000 penalty or cancel Intercontinental Communications Group, Inc. d/b/a Fusion Telecom's CLEC Certificate No. 5799, as listed on Attachment B, for apparent violation of Rule 25-4.0161, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should be paid to the Florida Public Service Commission. If the company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, the company's certificate, as listed on Attachment B, should be cancelled administratively and the collection of the past due fees should be referred

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to the Florida Department of Financial Services for further collection efforts. If the company's certificate, as listed on Attachment B, is cancelled in accordance with the Commission's Order from this recommendation, Intercontinental Communications Group, Inc. d/b/a Fusion Telecom should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

APPROVED

ISSUE 3: Should these dockets be closed?

RECOMMENDATION: The Orders issued from these recommendations will become final upon issuance of Consummating Orders, 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 Orders. The dockets should then be closed upon receipt of the penalty and fees or cancellation of each company's respective certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

APPROVED

with noted deferral.