

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 6, 2004

RE: Docket No. 031077-TI - Compliance investigation of Optrix Telecommunication, Inc. for apparent violation of Sections 364.02 and 364.04, Florida Statutes.

ISSUE 1: Should the Commission impose a \$25,000 penalty upon O.T.I. for its apparent violation of Sections 364.02 (13) and 364.04, Florida Statutes, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. The Commission should impose a \$25,000 penalty upon O.T.I. for its apparent violations of Sections 364.02(13) and 364.04, Florida Statutes. If O.T.I. fails to timely file a protest and request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. Further, if the company fails to timely file a protest and fails to do any of the following:

- 1. file a tariff;
- 2. provide the Commission with current contact information; or
- 3. pay the penalty,

the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida upon issuance of the Consummating Order until the company pays the penalty, files a tariff and provides the Commission with current contact information.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Dand

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
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 PSC-COMMISSION CLERK

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: 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. If the Commission's Order is not protested and the payment of the penalty is not received within fourteen calendar days after the issuance of the Consummating Order, the collection of the penalty should be referred to the Department of Financial Services. This docket should be closed administratively upon receipt of:

1. The company's tariff, and
2. The company's current contact information, and
3. The payment of the penalty, or

upon referral of the penalty to the Department of Financial Services.

APPROVED