

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 30, 2004

RE: Compliance investigations for apparent violation of Section 364.336, Florida Statutes.

Docket No. 040894-TI - Nationwide Communications of Michigan, Inc.

Docket No. 040896-TI - North American Communications Control, Inc.

Issue 1: Should the Commission cancel Nationwide Communications of Michigan, Inc.'s and North American Communications Control, Inc.'s intrastate interexchange telecommunications company (IXC) respective tariffs, remove the companies from the register with an effective date of December 31, 2004, and require the companies to immediately cease and desist providing intrastate interexchange telecommunications service in Florida, for apparent violation of Section 364.336, Florida Statutes?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Smith
Maurice
Jerry
Neddy

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 2: Should these dockets be closed?

Recommendation: Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If any company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If any company's tariff is cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. If any company fails to pay the Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. These dockets should be closed administratively upon cancellation of the company's tariff and removal of its name from the register.

APPROVED