

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 18, 2005

RE: Docket No. 040062-TI - Compliance investigation of New Century Telecom, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

Issue 1: Should the Commission accept New Century Telecom, Inc.'s settlement offer, dated December 14, 2004, to resolve forty-two (42) apparent violations of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection?

Recommendation: Yes.



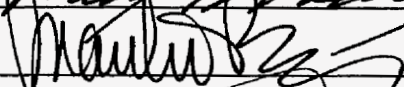
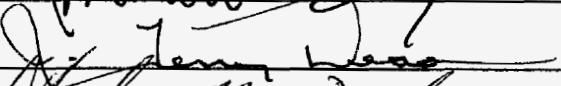

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

00591 JAN 18 05

FPSC-COMMISSION OF PUBLIC UTILITIES

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Issue 2: Should this docket be closed?

Recommendation: 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 New Century fails to pay the amount of the voluntary contribution in accordance with its settlement agreement, action will be taken pursuant to the provisions in paragraph 17 of that agreement. If New Century's tariff is cancelled and Registration No. TI427 is removed from the register as a result of such action, the company should be required to immediately cease and desist providing interexchange telecommunications service in Florida. This docket should be closed administratively upon either receipt of the final payment of the voluntary contribution or upon the removal of the company's registration number from the register and cancellation of the company's tariff. If New Century, or any of its principles, subsequently decide to reapply for registration as an intrastate interexchange company, it should be required to first pay any outstanding penalties assessed by the Commission. Any action by the Commission, including but not limited to any settlement, should not preempt, preclude, or resolve any matters under review by any other Florida Agencies or Departments.

APPROVED