

VOTE SHEET

SEPTEMBER 23, 1997

RE: DOCKET NO. 971104-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 3187 issued to Kirby Communications International, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees, and Rule 25-24.480, F.A.C., Records and Reports; Rules Incorporated.

Issue 1: Should the Commission impose a \$500 fine or cancel Kirby's Interexchange Telecommunications Certificate No. 3187 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalties and interest, are not received by the Commission within 5 business days after the conclusion of the 21-day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and the regulatory assessment fees, including statutory penalties and interest, are not received, certificate number 3187 should be canceled.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: Thomas J. Faccio, Thomas J. Clark, J. P. ...]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09760 SEP 24 97

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to Kirby pursuant to Rule 25-24.4701(3), Florida Administrative Code, if certificate number 3187 is canceled?

Recommendation: Yes. Pursuant to Rule 25-24.4701(3), Florida Administrative Code, the Commission should order all certificated interexchange companies to discontinue providing interexchange telecommunications service to Kirby if Kirby's certificate is canceled at the conclusion of the protest period for failure to submit the delinquent regulatory assessment fees, and pay the fines as required in Issue 1. The Order should state that any IXC providing service to Kirby must contact the Commission at the conclusion of the protest period as set forth in the Order to determine whether the certificate has been canceled.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines and fees, or cancellation of the certificate, this docket should be closed.

APPROVED