

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MARCH 24, 1998

RE: DOCKET NO. 971163-TT - Application for certificate to provide interexchange telecommunications service by Communication Opportunity, Inc.

Issue 1: Should the Commission grant Communication Opportunity, Inc.'s application for a certificate to provide interexchange telecommunications service in Florida?

Recommendation: No. COI has not provided the Commission with a completed IXC application. Therefore, the application should be denied.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

CONCURRED

DISSENTING

*[Handwritten signatures: S. L., Susan A. Clark, Terry Deane]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC TELETYPE UNIT

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Issue 2: Should the Commission order Communication Opportunity, Inc. to show cause in writing why a fine of \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, should not be assessed?

Recommendation: Yes. Due to the fact that it appears that COI is providing telecommunications service without a certificate, staff believes the Commission should require COI to show cause in writing within 20 days of the issuance of the Commission's order why it should not be fined \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The company's response must contain specific allegations of fact or law. If COI fails to respond to the show cause, the fine will be deemed assessed. If the fine is not paid after reasonable collection efforts by the Commission, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

**APPROVED**

Issue 3: Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to Communication Opportunity, Inc. pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited?

Recommendation: Yes. It appears that COI may be operating in Florida without a certificate in violation of Rule 25-24.4701(3), Florida Administrative Code. The order should state that all IXC's will be notified when the Commission's order becomes final.

**APPROVED**

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Issue 4: Should this docket be closed?

Recommendation: The docket should remain open pending the resolution of the show cause proceeding, and the processing of any protest to Issues 1 or 3 that may be filed within 21 days of the issuance of the order by a person whose substantial interests are affected by these proposed agency actions. If no response to the show cause order is filed within 20 days of the issuance of the Show Cause Order the fine should be assessed. After reasonable collection efforts have been made, the fine should be forwarded to the Comptroller's Office for collection.

**APPROVED**