

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

AUGUST 18, 1998

RE: DOCKET NO. 980897-TI - Initiation of show cause proceedings against Least Cost Routing, Inc. d/b/a Long Distance Charges for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection.

Issue 1: Should the Commission order LDC to show cause why it should not have Certificate Number 4402 canceled or be fined \$10,000 per violation for a total of \$680,000 for failure to comply with Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

Recommendation: Yes. The Commission should order LDC to show cause in writing within 20 days of the effective date of the order why it should not be fined \$10,000 per violation for a total of \$680,000 or have its certificate canceled for failure to comply with Rule 25-4.118, Florida Administrative Code. Any collected fine monies should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan Clark

Tom Dean

Joe Garcia

REMARKS/DISSENTING COMMENTS:

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Issue 2: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then LDC will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If LDC timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If LDC does not respond to the Commission's Order to Show Cause, the fines should be assessed. While staff does not recommend in Issue 1 that LDC's certificate be canceled for slamming violations at this time, staff does recommend that if LDC fails to respond to the Order to Show Cause, and the fines are not received within five business days after the expiration of the show cause response period, LDC's certificate should be canceled and this docket closed administratively.

APPROVED