

VOTE SHEET

February 22, 2011

Docket No. 110027-TI – Compliance investigation of Optic Internet Protocol, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

Issue 1: Should the Commission penalize Optic Internet Protocol, Inc. \$10,000 per apparent violation, for a total of \$1,460,000 for 146 apparent violations of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection?

Recommendation: Yes, Optic Internet Protocol, Inc. should be penalized \$10,000 per apparent violation, for a total of \$1,460,000 for 146 apparent violations of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection. If Optic Internet Protocol, Inc. fails to request a hearing, pursuant to Section 120.57, F.S., within the 21-day response period, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If the company fails to pay the amount of the penalty within fourteen calendar days after issuance of the Consummating Order, registration number TK171 should be removed from the register, the company's tariff should be cancelled, and the company should also be required to immediately cease and desist from providing intrastate interexchange telecommunications service within Florida.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including names like Julie M. and others.

REMARKS/DISSENTING COMMENTS:

Approved as discussed in the Commission Conference, with direction to staff.

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Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested, the docket should be closed administratively upon either receipt of the payment of the penalty or upon the removal of the company's registration number from the register and cancellation of the company's tariff. If the company's registration is cancelled, OIP's underlying carrier should be notified to discontinue providing wholesale services to OIP in Florida.

APPROVED