

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 18, 2005

RE: **Docket No. 050576-TC** - Request for cancellation of PATS Certificate No. 8172 by Duane E Lund, effective August 25, 2005.

Issue 1: Should the Commission cancel Duane E Lund's Pay Telephone Certificate No. 8172 on its own motion with an effective date of August 25, 2005; notify the Division of the Commission Clerk and Administrative Services that any unpaid Regulatory Assessment Fees should not be sent to the Florida Department of Financial Services and request permission to write off the uncollectible amount?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Rudy Boudley
Matthew
J. Terry Weaver
Lisa Edger

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 2: Should this docket be closed?

Recommendation: Staff recommends that 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 any entity fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. The certificate should be cancelled administratively and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should not be referred to the Florida Department of Financial Services for further collection efforts. This docket should be closed administratively upon cancellation of the company's certificate.

APPROVED