

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 29, 2005

RE: Docket No. 050526-TI - Acknowledgment of cancellation of IXC Registration No. TJ230 by Radiant Telecom, Inc., effective August 2, 2005.

Issue 1: Should the Commission grant APCC Services, Inc.'s Motion to Intervene and Request to Stay Proceeding?

Recommendation: No. APCC Services, Inc.'s Motion to Intervene and Request to Stay Proceeding should be denied because it lacks standing. Staff believes that APCC Services, Inc. has not demonstrated a substantial injury sufficient to satisfy the Agrico two-prong test.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: J. [unclear], [unclear], [unclear], J. [unclear], and [unclear].

Four horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

11296 NOV 29 05

VOTE SHEET

NOVEMBER 29, 2005

Docket No. 050526-TI - Acknowledgment of cancellation of IXC Registration No. TJ230 by Radiant Telecom, Inc., effective August 2, 2005.

(Continued from previous page)

**Issue 2:** Should the Commission deny Radiant Telecom, Inc.'s request for a voluntary cancellation and instead cancel IXC Registration No. TJ230 on the Commission's own motion with an effective date of December 31, 2005?

**Recommendation:** Yes. The Commission should deny the company a voluntary cancellation and instead cancel IXC Registration No. TJ230 on its own motion, with an effective date of December 31, 2005.

**APPROVED**

**Issue 3:** Should this docket be closed?

**Recommendation:** Staff recommends that the Order issued from this recommendation 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 Radiant Telecom, Inc. 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. If the company is removed from the register and its tariff canceled effective December 31, 2005, in accordance with the Commission's Order from this recommendation, the company should be required to cease and desist providing intrastate interexchange telecommunications services in Florida on that date. If the company should subsequently reapply for IXC registration or any other telecommunications certificate, such application should not be approved until the company has settled the issue of its apparent violation of Rule 25-22.032(6)(b), Florida Administrative Code. This docket should be closed administratively upon the issuance of the Consummating Order.

**APPROVED**