

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 9, 2002

RE: Docket No. 020478-TX - Cancellation by Florida Public Service Commission of ALEC Certificate No. 7721 issued to Positive Investments, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

ISSUE 1: Should the Commission grant Positive Investments, Inc. a voluntary cancellation of ALEC Certificate No. 7721?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's ALEC Certificate No. 7721 on its own motion, effective April 10, 2002. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If the certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing alternative local exchange telecommunications services in Florida.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: Rudy Bradley, [unclear], [unclear], [unclear], Michael A. Palish]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

07025 JUL-98

FPSC-COMMISSION CLERK

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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 issuance of the Proposed Agency Action Order. The docket should then be closed upon issuance of a Consummating Order.

APPROVED