

VOTE SHEET

SEPTEMBER 30, 2003

RE: Docket No. 021206-TC - Compliance investigation of Florida Commercial PayFon, Inc. for apparent violation of Rule 25-4.019, F.A.C., Records and Reports in General.

ISSUE 1: Should the Commission dismiss Florida Commercial PayFon's protest of PAA Order No. PSC-03-0134-PAA-TC?

RECOMMENDATION: Yes. The Commission should dismiss Florida Commercial PayFon, Inc.'s protest of PAA Order No. PSC-03-0134-PAA-TC. Florida Commercial PayFon's failure to prefile testimony, file a prehearing statement, and appear at the prehearing conference constitutes waiver of all issues in accordance with the Order Establishing Procedure, Order No. PSC-03-0493-PCO-TC, and there remain no issues to be decided by the Commission.

**APPROVED**

COMMISSIONERS ASSIGNED: Baez, Bradley, Davidson

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures: Frank Davidson, Charles Baez, Rudy Bradley]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09441 OCT-18

FPSC-COMMISSION CLERK

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation on Issue 1, Florida Commercial PayFon should make payment of the penalty and provide the documentation required by PAA Order No. PSC-03-0134-PAA-TC, within fourteen calendar days after the issuance of the Commission's Order from this recommendation. If payment of the penalty and the required documentation are not received, Pay Telephone Certificate No. 7545 should be cancelled. Further, if Florida Commercial PayFon's certificate is cancelled, Florida Commercial PayFon should be ordered to immediately cease and desist providing pay telephone service in Florida. This docket should be closed administratively upon either receipt of the payment of the penalty and the required documentation, or upon cancellation of Pay Telephone Certificate No. 7545.

**APPROVED**