

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 18, 2005

RE: **Docket No. 050565-TC** - Request for cancellation of PATS Certificate No. 5943 by Birchwood Properties Corp., effective August 23, 2005.

Issue 1: Should the Commission deny Birchwood Properties Corp. a voluntary cancellation of its pay telephone company (PATS) Certificate No. 5943 and cancel the certificate on the Commission's own motion with an effective date of August 23, 2005?

Recommendation: Yes.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Judy Bradley
Martin
J. Terry Deaso
Lisa Edger

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10090 OCT 18 05

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(Continued from previous page)

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 the company 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 fails to pay the Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's certificate should be cancelled administratively and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. If the company's certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing pay telephone service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's certificate.

APPROVED