

VOTE SHEET

June 5, 2007

Docket No. 070141-TC – Request for cancellation of PATS Certificate No. 7070 by Whitney-Phillips-T.R.F., Inc., effective March 5, 2007.

**Issue 1:** Should the Commission deny Whitney-Phillips-T.R.F., Inc., a voluntary cancellation of its Pay Telephone Certificate No. 7070 and cancel the certificate on the Commission’s own motion with an effective date of March 5, 2007?

**Recommendation:** Yes. The company should be denied a voluntary cancellation as listed on Attachment A of staff’s May 23, 2007, memorandum.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

*Neil A. De...*  
\_\_\_\_\_  
*Katrina J. McMurrian*  
\_\_\_\_\_  
*Jan...*  
\_\_\_\_\_  
*Mark...*  
\_\_\_\_\_  
*Anthony...*  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REMARKS/DISSENTING COMMENTS:

Commissioner Argenziano participated in the conference by telephone. She agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

04675 JUN 11 5

Vote Sheet

June 5, 2007

Docket No. 070141-TC – Request for cancellation of PATS Certificate No. 7070 by Whitney-Phillips-T.R.F., Inc., effective March 5, 2007.

(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 pays the Regulatory Assessment Fees prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's pay telephone company certificate will be voluntary. If the company fails to pay the Regulatory Assessment Fees prior to the expiration of the Proposed Agency Action Order, then the company's pay telephone company certificate should be cancelled administratively, and the collection of the past due Regulatory Assessment Fees should be referred to the Florida Department of Financial Services for further collection efforts. If the company's pay telephone company 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 or upon cancellation of the company's pay telephone company certificate.

**APPROVED**