

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

January 26, 2009

Docket No. 080711-TX – Request for cancellation of CLEC Certificate No. 8688 by VoTTS Communications, LLC, effective December 16, 2008.

**Issue 1:** Should the Commission deny VoTTS Communications, LLC, a voluntary cancellation of its competitive local exchange telecommunications company (CLEC) Certificate No. 8688 and cancel the certificate on the Commission’s own motion with an effective date of December 16, 2008?

**Recommendation:** Yes, the company should be denied a voluntary cancellation as listed on Attachment A of staff’s memorandum dated January 13, 2009.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

*Neil A. [Signature]*  
*Katrina J. McMurrian*  
*Blatt [Signature]*  
*[Signature]*  
*[Signature]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

- Vote Sheet

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**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 Fee, including any applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's CLEC certificate will be voluntary. If the company fails to pay the Regulatory Assessment Fee, including any applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the company's CLEC certificate should be cancelled administratively, and the collection of the unpaid Regulatory Assessment Fee should be referred to the Florida Department of Financial Services for further collection efforts. If the company's CLEC certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fee, including any applicable late payment charges, or upon cancellation of the company's CLEC certificate.

**APPROVED**