

VOTE SHEET

May 18, 2010

Docket No. 100118-TC – Request for cancellation of PATS Certificate No. 8471 by Pinnacle Payphone Corporation, effective March 3, 2010.

Issue 1: Should the Commission deny Pinnacle a voluntary cancellation of pay telephone service (PATS) Certificate No. 8471 and cancel the certificate on the Commission's own motion, with an effective date of March 3, 2010?

Recommendation: Yes. Staff recommends Pinnacle's request for voluntary cancellation of the company's PATS certificate should be denied. Pinnacle owes the 2010 RAF (\$100), along with statutory late payment charges for 2005 (\$3) and 2009 (\$6) for a total of \$109. Accordingly, staff believes it is appropriate to involuntarily cancel the company's certificate, effective March 3, 2010, on the Commission's own motion for failure to comply with Rule 25-24.514, Florida Administrative Code, and pursuant to Section 364.336, F.S.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: [Signature 1], [Signature 2], Daniel E. Hlement, [Signature 4], [Signature 5]

Four horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04199 MAY 18 09

FPSC-COMMISSION CLERK

Voté Sheet

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Issue 2: Should this docket be closed?

Recommendation: Staff recommends that the Order issued from this recommendation should 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), F.S., 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, F.S., hearing, the facts should be deemed admitted and the right to a hearing waived.

If the company pays the RAF, including any accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's PATS certificate will be voluntary. If the company fails to pay the RAF, including any accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, then the company's PATS certificate should be cancelled administratively. The collection of the unpaid RAF, including any accrued statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts.

This docket should be closed administratively either as a voluntary cancellation upon receipt of the payment of the RAFs, including any accrued statutory late payment charges, or cancelled involuntarily on the Commission's own motion. Upon cancellation of the PATS certificate, the company should be required to immediately cease and desist providing telecommunications service in Florida.

APPROVED