

VOTE SHEET

August 3, 2010

Docket No. 100145-TC – Request for cancellation of PATS Certificate No. 8510 by Erik Lerman d/b/a Smart Tel, effective March 25, 2010.

**Issue 1:** Should the Commission deny Erik Lerman d/b/a Smart Tel (Smart Tel) a voluntary cancellation of its Pay Telephone Service (PATS) Certificate No. 8510, and cancel the certificate on the Commission’s own motion with an effective date of March 25, 2010?

**Recommendation:** Yes, unless the company pays the 2010 Regulatory Assessment Fee prior to the expiration of the Proposed Agency Action Order, Smart Tel should be denied a voluntary cancellation as provided in Attachment A of staff’s memorandum dated July 22, 2010.

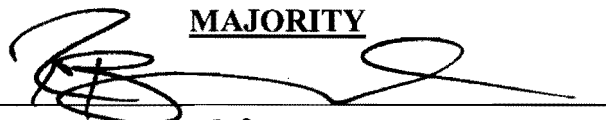


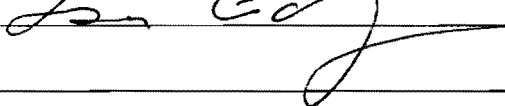
**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE  
 06349 AUG-03 2010  
 FPSC-COMMISSION OFFICE

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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 2010 Regulatory Assessment Fee prior to the expiration of the Proposed Agency Action Order, then the cancellation of its certificate will be voluntary. If the company fails to pay the 2010 Regulatory Assessment Fee prior to the expiration of the Proposed Agency Action Order, then its certificate should be cancelled administratively. The collection of the unpaid Regulatory Assessment Fee 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 2010 Regulatory Assessment Fee or cancelled involuntarily on the Commission's own motion. Upon cancellation of the company's PATS certificate, the company should be required to immediately cease and desist providing telecommunications service in Florida.

**APPROVED**