

VOTE SHEET

January 8, 2008

Docket No. 070655-TX – Request for cancellation of CLEC Certificate No. 7497 by Deland Actel, Inc., effective December 31, 2007.

Issue 1: Should the Commission deny Deland Actel, Inc., a voluntary cancellation of its CLEC Certificate No. 7497 and cancel the certificate on the Commission’s own motion with an effective date of December 31, 2007?

Recommendation: Yes, the company should be denied a voluntary cancellation as listed on Attachment A of staff’s memorandum dated December 26, 2007.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Neil A. Igo

Katrina J. McMurrin

Matt J. (F)

Jim C. J.

M. G. J.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

00178 JAN-8 8

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

APPROVED