

VOTE SHEET

October 14, 2008

Docket No. 080238-TX – Request for cancellation of CLEC Certificate No. 5334 by Burno, Inc. d/b/a Citywide-Tel, effective April 28, 2008.

**Issue 1:** Should the Commission deny Burno, Inc. d/b/a Citywide-Tel, a voluntary cancellation of its competitive local exchange telecommunications company (CLEC) Certificate No. 5334 and cancel the certificate on the Commission’s own motion with an effective date of April 28, 2008?

**Recommendation:** Yes, the company should be denied a voluntary cancellation as listed on Attachment A of staff’s memorandum dated October 2, 2008.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

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**REMARKS/DISSENTING COMMENTS:** Commissioner McMurrian participated in the conference by telephone. She will sign the vote sheet upon return to the office.

DOCUMENT NUMBER-DATE

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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 Fees, including 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 Fees, including 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 past due Regulatory Assessment Fees 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 Fees, including applicable late payment charges, or upon cancellation of the company's CLEC certificate.

**APPROVED**