

VOTE SHEET

SEPTEMBER 3, 2002

RE: Docket No. 020589-TP - Bankruptcy cancellation by Florida Public Service Commission of IXC Certificate No. 7491 and ALEC Certificate No. 7490 issued to Telergy Network Services, Inc., effective 7/22/02.

ISSUE 1: Should the Commission grant Telergy Network Services, Inc.'s request for cancellation of its IXC Certificate No. 7491 and its ALEC Certificate No. 7490 due to bankruptcy?

RECOMMENDATION: Yes. The Commission should grant the company a bankruptcy cancellation of its IXC Certificate No. 7491 and its ALEC Certificate No. 7490 with an effective date of July 22, 2002. In addition, the Division of the Commission Clerk and Administrative Services will be notified that the 2001 and 2002 RAFs, including statutory penalty and interest charges for the year 2001 for each certificate, should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write off the uncollectible amount should be requested. If the certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing interexchange telecommunications and alternative local exchange services in Florida.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures of majority commissioners]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09266 SEP-30

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The docket should then be closed.

APPROVED