

VOTE SHEET

DECEMBER 2, 2002

RE: Cancellation by Florida Public Service Commission of ALEC certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

- Docket No. 020568-TX - TOTALink of Florida, LLC
- Docket No. 020601-TX - Eureka Telecom, L.L.C.
- Docket No. 020602-TX - Evolution Networks South, Inc.

ISSUE 1: Should the Commission grant the companies listed on Attachment A of staff's November 20, 2002 memorandum a voluntary cancellation of their respective certificates to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.835, Florida Administrative Code?

RECOMMENDATION: Yes. The Commission should grant each company a voluntary cancellation of its telecommunications certificate with an effective date as listed on Attachment A. If a company's certificate is cancelled in accordance with the Commission's Order from this recommendation, that company as listed on Attachment A should be required to immediately cease and desist providing alternative local exchange carrier service in Florida.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

13143 DEC-28

FPSC-COMMISSION CLERK

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ISSUE 2: Should these dockets 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 dockets should then be closed upon cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

APPROVED