

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 29, 2005

RE: **Docket No. 050647-TX** - Request for transfer of and name change on CLEC Certificates 5687, 4695, and 4699 held by VarTec Telecom, Inc. d/b/a VarTec Telecom, Inc. and Clear Choice Communications, Excel Telecommunications, Inc. and VarTec Solutions, Inc., respectively, to Comtel Telcom Assets LP d/b/a VarTec Telecom and Clear Choice Communications, Comtel Telcom Assets LP d/b/a Excel Telecommunications, and Comtel Telcom Assets LP d/b/a VarTec Solutions, respectively, and for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., effective upon written notification from Comtel Telcom Assets LP that transfer of assets is complete.

**Docket No. 050648-TI** - Acknowledgment of registrations as intrastate interexchange telecommunications companies by Comtel Telcom Assets LP d/b/a VarTec Telecom and Clear Choice Communications, Comtel Telcom Assets LP d/b/a Excel Telecommunications, and Comtel Telcom Assets LP d/b/a VarTec Solutions; acknowledgment of cancellation of IXC Registration Nos. TI922, TI070, and TI291 by Excel Telecommunications, Inc., VarTec Telecom, Inc. d/b/a VarTec Telecom and Clear Choice Communications, and VarTec Solutions, Inc., respectively; and request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C.; effective upon written notification from Comtel Telcom Assets LP that transfer of assets is complete.

**Issue 1:** Should the Commission approve the transfer of and name change on CLEC Certificate Nos. 5687, 4695, and 4699 held by VarTec Telecom, Inc. d/b/a VarTec Telecom, Inc. and Clear Choice Communications, Excel Telecommunications, Inc. and VarTec Solutions, Inc. to Comtel Telcom Assets LP d/b/a VarTec Telecom and Clear Choice Communications, Comtel Telcom Assets LP d/b/a Excel Telecommunications, and

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the MAJORITY column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Docket No. 050648-TI - Acknowledgment of registrations as intrastate interexchange telecommunications companies by Comtel Telcom Assets LP d/b/a VarTec Telecom and Clear Choice Communications, Comtel Telcom Assets LP d/b/a Excel Telecommunications, and Comtel Telcom Assets LP d/b/a VarTec Solutions; acknowledgment of cancellation of IXC Registration Nos. TI922, TI070, and TI291 by Excel Telecommunications, Inc., VarTec Telecom, Inc. d/b/a VarTec Telecom and Clear Choice Communications, and VarTec Solutions, Inc., respectively; and request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C.; effective upon written notification from Comtel Telcom Assets LP that transfer of assets is complete.

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Comtel Telcom Assets LP d/b/a VarTec Solutions, effective upon written notification from Comtel Telcom Assets LP that the transfer of assets is complete?

**Recommendation:** Yes. The Commission should approve the requested transfer of and name changes on CLEC Certificate Nos. 5687, 4695, and 4699.

**APPROVED**

**Issue 2:** Should the Commission approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of customers from VarTec Telecom, Inc. d/b/a VarTec Telecom, Inc. and Clear Choice Communications, Excel Telecommunications, Inc. and VarTec Solutions, Inc. to Comtel Telcom Assets LP d/b/a VarTec Telecom and Clear Choice Communications, Comtel Telcom Assets LP d/b/a Excel Telecommunications, and Comtel Telcom Assets LP d/b/a VarTec Solutions?

**Recommendation:** Yes. The Commission should approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code.

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Docket No. 050648-TI - Acknowledgment of registrations as intrastate interexchange telecommunications companies by Comtel Telcom Assets LP d/b/a VarTec Telecom and Clear Choice Communications, Comtel Telcom Assets LP d/b/a Excel Telecommunications, and Comtel Telcom Assets LP d/b/a VarTec Solutions; acknowledgment of cancellation of IXC Registration Nos. TI922, TI070, and TI291 by Excel Telecommunications, Inc., VarTec Telecom, Inc. d/b/a VarTec Telecom and Clear Choice Communications, and VarTec Solutions, Inc., respectively; and request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C.; effective upon written notification from Comtel Telcom Assets LP that transfer of assets is complete.

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**Issue 3:** Should these dockets be closed?

**Recommendation:** If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, the order will become final and effective upon the issuance of a consummating order. These dockets should be closed administratively upon receipt of written notification from Comtel Telcom Assets LP that the transfer of assets is complete and upon receipt of payment of the 2005 and 2006 (if applicable) regulatory assessment fees by VarTec Telecom, Inc. d/b/a VarTec Telecom, Inc. and Clear Choice Communications, Excel Telecommunications, Inc. and VarTec Solutions, Inc. for both its CLEC and IXC operations. If VarTec Telecom, Inc. d/b/a VarTec Telecom, Inc. and Clear Choice Communications, Excel Telecommunications, Inc. and VarTec Solutions, Inc. fails to pay its 2005 and 2006 (if applicable) regulatory assessment fees, staff will bring this matter back before the Commission for resolution.

**APPROVED**