

VOTE SHEET

March 7, 2006

**Docket No. 050641-TP** – Request for cancellation of AAV Certificate No. 4822, and CLEC Certificate No. 7093, and for acknowledgment of cancellation of IXC Registration No. TJ228, by KMC Telecom III LLC, effective September 22, 2005.

**Issue 1:** Should the Commission deny KMC Telecom III LLC a voluntary cancellation of its alternative access vendor (AAV) Certificate No. 4822, competitive local exchange company (CLEC) Certificate No. 7093, and IXC tariff and Registration No. TJ228 and cancel the certificates and tariff and remove the company’s name from the register on the Commission’s own motion with an effective date of September 22, 2005?

**Recommendation:** Yes. The company should be denied a voluntary cancellation as listed on Attachment A of staff’s February 23, 2006 memorandum.

**DEFERRED**

**COMMISSIONERS ASSIGNED:** All Commissioners

**COMMISSIONERS’ SIGNATURES**

**MAJORITY**

**DISSENTING**

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**REMARKS/DISSENTING COMMENTS:**

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 fails to pay the Regulatory Assessment Fees within fourteen (14) calendar days after the issuance of the Consummating Order, the company's AAV and CLEC certificates and IXC tariff should be cancelled administratively, the company's name should be removed from the register, 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 AAV and CLEC certificates and IXC tariff are cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing alternative access vendor, competitive local exchange, and intrastate interexchange telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fees or upon cancellation of the company's AAV and CLEC certificates and IXC tariff and removal of its name from the register.