

VOTE SHEET

May 2, 2006

Docket No. 050948-TX – Compliance investigation of Arrow Communications, Inc. d/b/a ACI for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Issue 1: Should the Commission accept Arrow Communications, Inc. d/b/a ACI's settlement offer to voluntarily contribute \$500 to the Commission for deposit in the General Revenue Fund within 30 days of the issuance of the Consummating Order, and to place \$3,000 in escrow conditioned upon its timely response to the Commission's 2006 data request to resolve its apparent violation of Section 364.183(1), Florida Statutes?

Recommendation: No. The Commission should not accept the company's settlement proposal.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of Katrina J. Jew and other majority members on lines.

Handwritten signatures of Josei Edgar and J. Terry Deason on lines.

REMARKS/DISSENTING COMMENTS:

Commissioner Arriaga participated in the conference by telephone. He agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

DOCUMENT NUMBER-DATE

Commissioners Edgar and Deason dissented 04208 MAY 15 06

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Issue 2: Should the Commission impose a penalty in the amount of \$10,000 on Arrow Communications, Inc. d/b/a ACI or cancel Certificate No. 4468 for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

Recommendation: Yes. The Commission should impose a penalty of \$10,000 on Arrow Communications, Inc. d/b/a ACI or cancel Certificate No. 4468 for apparent violation of Section 364.183(1), Florida Statutes.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: 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 that docket's Proposed Agency Action Order. As provided by Section 120.80(13) (b), Florida Statutes, any issues not in dispute should be deemed stipulated. If ACI fails to timely file a protest and request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If ACI fails to pay the penalty within fourteen (14) calendar days after the issuance of the Consummating Order, the company's CLEC Certificate No. 4468 should be canceled. If ACI's certificate is canceled in accordance with the Commission's Order from this recommendation, ACI should be required to immediately cease and desist providing telecommunications service in Florida. This docket should be closed administratively upon either receipt of the payment of the penalty imposed or upon the cancellation of the company's certificate.

APPROVED