

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

September 16, 2008

Docket No. 080423-TX – Compliance investigation of CLEC Certificate No. 5731, issued to Esodus Communications, Inc. d/b/a Excelink Communications d/b/a Instatone, for apparent violation of Section 364.183(1), F.S., Access to Company Records and apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 080460-TX – Compliance investigation of CLEC Certificate No. 8148, issued to Laser Telecom, LLC, for apparent violation of Section 364.183(1), F.S., Access to Company Records and first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 080479-TX – Compliance investigation of CLEC Certificate No. 8624, issued to Minority Telecom Resalers, Inc. d/b/a North Dade Telecom, for apparent violation of Section 364.183(1), F.S., Access to Company Records and first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 080481-TX – Compliance investigation of CLEC Certificate No. 8649, issued to MOA Business Corporation d/b/a ZStar Communications, for apparent violation of Section 364.183(1), F.S., Access to Company Records and first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 080482-TX – Compliance investigation of CLEC Certificate No. 8670, issued to E-Z Family Connection, Corp., for apparent violation of Section 364.183(1), F.S., Access to Company Records and first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 080484-TX – Compliance investigation of CLEC Certificate No. 8672, issued to Telcentrex, LLC, for apparent violation of Section 364.183(1), F.S., Access to Company Records and first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 080485-TX – Compliance investigation of CLEC Certificate No. 8676, issued to TYBE COMMUNICATIONS INC., for apparent violation of Section 364.183(1), F.S., Access to Company Records and first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 080494-TX – Compliance investigation of CLEC Certificate No. 8702, issued to Cubic Communications, LLC, for apparent violation of Section 364.183(1), F.S., Access to Company Records and first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including one that appears to be 'na a' and another that is clearly 'Katrina J. McMurrin'.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

08704 SEP 16 8

FPSC - COMMISSION CLERK

Vote Sheet

September 16, 2008

Docket No. 080423-TX –Esodus Communications, Inc. d/b/a Excelink Communications d/b/a Instatone,

Docket No. 080460-TX –Laser Telecom, LLC

Docket No. 080479-TX –Minority Telecom Resalers, Inc. d/b/a North Dade Telecom

Docket No. 080481-TX –MOA Business Corporation d/b/a ZStar Communications

Docket No. 080482-TX –E-Z Family Connection, Corp.

Docket No. 080484-TX –Telcentrex, LLC

Docket No. 080485-TX –TYBE COMMUNICATIONS INC.

Docket No. 080494-TX –Cubic Communications, LLC

(Continued from previous page)

Issue 1: Should the Commission impose a penalty in the amount of \$10,000 or cancel the respective certificate of each company listed in Attachment A of staff's memorandum dated September 4, 2008, for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

Recommendation: Yes, the Commission should impose a penalty in the amount of \$10,000 or cancel the respective certificate of each company listed in Attachment A of staff's memorandum dated September 4, 2008, for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records.

APPROVED

Issue 2: Should these dockets 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 in a given docket 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 any of the companies listed in Attachment A of staff's memorandum dated September 4, 2008, fails to timely file a protest in its respective docket and request a Section 120.57, Florida Statutes, hearing, the facts in that docket should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If any of the companies listed in Attachment A of staff's memorandum dated September 4, 2008, fails to pay the penalty within fourteen (14) calendar days after the issuance of the Consummating Order, the company's CLEC certificate, as listed in Attachment A of staff's memorandum dated September 4, 2008, should be canceled. If a company's certificate is canceled in accordance with the Commission's Order from this recommendation, that company should be required to immediately cease and desist providing telecommunications services in Florida. A protest in one docket should not prevent the action in a separate docket from becoming final. These dockets should remain open.

APPROVED