

VOTE SHEET

June 30, 2009

Docket No. 090307-TP – Request for expedited waiver of carrier selection requirements of Rule 25-4.118, FAC, due a transaction in which Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications, a wholly owned subsidiary of Birch Communications, Inc., will acquire substantially all of the assets and customers of Cleartel Telecommunications, Inc. d/b/a Now Communications, also d/b/a VeraNet Solutions, IDS Telcom Corp. d/b/a Cleartel Communications, nii communications, ltd., and Supra Telecommunications and Information Systems, Inc.

Issue 1: Should the Commission approve the request for waiver of the carrier selection requirements of Rule 25-4.118, F.A.C., in the transfer of local and long distance customers to Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications from Cleartel Telecommunications, Inc. d/b/a Now Communications, also d/b/a VeraNet Solutions, IDS Telcom Corp. d/b/a Cleartel Communications, nii communications, ltd., and Supra Telecommunications and Information Systems, Inc.?

Recommendation: Yes, the Commission should approve the request for waiver of the carrier selection requirements of Rule 25-4.118, F.A.C. Any waiver approved by the Commission should only apply to the specific set of customers identified in the petition. The petitioners should be required to provide the Commission notification of the actual date when the transaction is consummated. If for any reason the transaction is not consummated, any waiver approved by the Commission shall be null and void.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Katrina J. McMurrain, Matt B. D., Jim Ed, and Honey Argonziano by Amy White.

REMARKS/DISSENTING COMMENTS: Commissioner Argenziano participated in the conference by telephone. The vote sheet will be signed at a later date.

DOCUMENT NUMBER-DATE

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Issue 2: Should this docket 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, this docket should be closed upon the issuance of a consummating order.

APPROVED