

VOTE SHEET

October 26, 2010

Docket No. 100399-TP – Request for expedited waiver of carrier selection requirements of Rule 25-4.118, FAC, due to transfer of all assets and customers from American Fiber Network, Inc. and CloseCall America, Inc. to Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications and Birch Communications, 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 American Fiber Network, Inc. and CloseCall America, 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 on a set of four horizontal lines.

Four horizontal lines for dissenting signatures, currently blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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(Continued from previous page)

**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**