

VOTE SHEET

December 15, 2009

Docket No. 090480-TX – Compliance investigation of Clective Telecom Florida, LLC for apparent failure to accurately disclose information on application. (Deferred from the December 1, 2009 Commission Conference.)

Issue 1: Should the Commission cancel Clective Telecom Florida, LLC’s CLEC Certificate No. 8736 for the company’s apparent failure to accurately disclose information in Docket No. 080545-TX, application for a certificate of public convenience and necessity to provide telecommunications service within the State of Florida as a competitive local exchange company?

Recommendation: Yes, the Commission should cancel Clective Telecom Florida, LLC’s CLEC Certificate No. 8736 for the company’s apparent failure to accurately disclose information in Docket No. 080545-TX, application for a certificate of public convenience and necessity to provide telecommunications service within the State of Florida as a competitive local exchange company.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

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Four horizontal dashed lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS: This item deferred to the January 26, 2010 Commission Conference.

DOCUMENT NUMBER-DATE

11962 DEC 15 09

FPSC-COMMISSION CLERK

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**Issue 2:** If the Commission approves Issue 1, should the Commission refer Clective FL to the appropriate authority for a determination whether criminal charges are appropriate regarding the apparent violation of Section 837.06, F.S.?

**Recommendation:** Yes. If staff's recommendation in Issue 1 is approved, the Commission should refer Clective FL to the appropriate authority for a determination whether criminal charges are appropriate regarding the apparent violation of Section 837.06, F.S.

## DEFERRED

**Issue 3:** Should this docket be closed?

**Recommendation:** Staff recommends that the Order issued from this recommendation 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 any material facts in dispute, in the form provided by Rule 28-106.201, F.A.C., within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), F.S., any issues not in dispute should be deemed stipulated. The company should also be required to immediately cease and desist providing all intrastate telecommunications service in Florida, and the CLEC certificate should become inactive on December 31, 2009. If there is no protest, this docket should be closed upon issuance of the Consummating Order.

## DEFERRED