

VOTE SHEET

November 13, 2008

Docket No. 080619-TP – Joint petition of Progress Telecom LLC and Level 3 Communications, LLC for waiver of Rule 25-4.118, F.A.C., to allow transfer of Progress' customers to Level 3, request for cancellation of Progress' CLEC Certificate No. 7448, and for acknowledgment of cancellation of IXC Registration No. TJ639, effective December 31, 2008.

Issue 1: Should the Commission approve the request for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of Progress Telecom LLC's private line services customers to Level 3 Communications, LLC?

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 lines.

Empty lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10585 NOV 13 08

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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 order should become final upon issuance of a consummating order. This docket should remain open pending the cancellation of Progress' CLEC Certificate No. 7448 and IXC Registration No. TJ639. Upon completion of these actions, this docket should be closed administratively.

APPROVED