

VOTE SHEET

April 21, 2009

Docket No. 000121A-TP – Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (AT&T FLORIDA TRACK)

Issue 1: Should AT&T be required to pay SEEM remedies for a St. Louis Data Center outage that occurred on December 6, 2008?

Recommendation: No. The St. Louis Data Center outage was a Force Majeure event in accordance with the definition in Section 4.5.2 of the SEEM Administrative Plan.

WITHDRAWN

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03751 APR 23 8

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Issue 2: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1 the resulting Order will be issued as a Proposed Agency Action. The Order will become final upon issuance of a Consummating Order, if no person whose substantial interests are affected timely files a protest within 21 days of the issuance of the Order. This docket should remain open pending the implementation of the Commission's decision and for purposes of future performance measure monitoring.

WITHDRAWN