

VOTE SHEET

May 19, 2009

Docket No. 090135-TP – Complaint against BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast for anticompetitive behavior in violation of Sections 364.01(4), 364.10(1), and 364.3381, F.S., violating terms of interconnection agreement, and engaging in cramming in violation of Sections 354.604(2), 364.10(1), F.S., and Rule 25-4.110(18), F.A.C., by Cbeyond Communications, LLC.

Issue 1: Should AT&T's Partial Motion to Dismiss be granted?

Recommendation: No. AT&T's Partial Motion to Dismiss should be denied.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open to address the Cbeyond Complaint against AT&T.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column: n e a d g, Katrina J. McMurrin, Lisa G., [Signature], Henry Argenziano by [Signature].

REMARKS/DISSENTING COMMENTS: Chairman Carter and Commissioner Argenziano participated in the conference by telephone. They will sign the vote sheet upon their return to the office.

DOCUMENT NUMBER-DATE

05098 MAY 22 09