

**STATE OF FLORIDA
FLORIDA PUBLIC SERVICE COMMISSION**

Notice of Adoption of Existing Interconnection : Docket No. 0902456-TP
Agreement Between BellSouth :
Telecommunications, Inc. and CBeyond :
Communications, Inc. by Clective Florida, LLC : June 22, 2009

**CLECTIVE TELECOM FLORIDA, LLC'S
MOTION FOR SANCTIONS**

Comes Now, Clective Telecom Florida, LLC (“Clective”) pursuant to Section 57.105(5), Florida Statutes, and files this Motion for Sanctions and alleges as follows:

1. Clective sent the attached Motion for Sanctions to BellSouth Telecommunications, Inc. d/b/a AT&T Florida (“AT&T”) on June 1, 2009. In the Notice, Clective provided AT&T notice of its intent to request sanctions against AT&T for its misrepresentation of Clective’s willingness to pay the requested deposit to AT&T. Clective attached a copy of the Motion for Sanctions to the Notice. Pursuant to Section 57.105(5) of the Florida Statutes, Clective now files this Motion with the Commission.
2. AT&T has not responded to the Notice of Intent to file the Motion for Sanctions nor filed any document in response to the Notice with the Commission.
3. As such, Clective now requests that the Commission enter sanctions against AT&T as set forth in the attached Motion for Sanctions.

WHEREFORE, based on the foregoing, Clective respectfully requests that the Commission enter an award of sanctions and such other relief as the Commission deems appropriate under Section 57.105, Florida Statutes.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patricia Morris". The signature is fluid and cursive, with a small mark to the left of the first letter.

Patricia Morris
Clective Telecom Florida, LLC
Its President

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Comes Now, Clective Telecom Florida, LLC (“Clective”) pursuant to Section 57.105(5), Florida Statutes, and files this Motion for Sanctions and alleges as follows:

1. On May 8, 2009, AT&T Florida filed its Response to Clective’s Petition.
2. In the filing, AT&T Florida has falsely accused Clective Georgia of not agreeing to the absurd deposit.
3. The fact is that when it became clear that AT&T Georgia would not accept a reasonable settlement, Clective Florida decided that its only choice to generate revenue was to capitulate to AT&T Florida’s absurd demands. Thus, on morning of May 8, 2009, Clective Georgia’s counsel sent a letter to AT&T indicating that it would agree to the deposit requirements.
4. AT&T Florida’s response that afternoon was the AT&T filing with the Commission. Since the filing, AT&T has failed to amend their filing to indicate that Clective is willing to pay the deposit.
5. Originally, the AT&T misrepresentation was either intentional or an internal miscommunication. If intentional, AT&T should be sanctioned.
6. If the original misrepresentation was an internal miscommunication, AT&T should have amended their pleading once they discovered the misrepresentation. The failure to amend the filing is a reprehensible act by AT&T because it slanders Clective.

7. As such, the Commission should sanction AT&T for its misconduct and award monetary damages to Clective.

WHEREFORE, based on the foregoing, Clective respectfully requests that the Commission enter an award of sanctions and such other relief as the Commission deems appropriate under Section 57.105, Florida Statutes.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patricia Morris". The signature is written in a cursive style with a large initial "P" and "M".

Patricia Morris
Clective Telecom Florida, LLC
Its President