

VOTE SHEET

August 18, 2009

Docket No. 090246-TP – Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Cbeyond Communications, LLC by Clective Telecom Florida, LLC. (Deferred from the July 14, 2009, Commission Conference, revised recommendation filed.)

Issue 1: Does AT&T have standing to request the cancellation of Clective's CLEC certificate?

Recommendation: No, AT&T does not have standing to request the cancellation of Clective's CLEC certificate.

DEFERRED

Issue 2: Can Clective adopt the BellSouth/AT&T and Cbeyond Interconnection Agreement?

Recommendation: Yes, there is nothing precluding Clective from adoption of the BellSouth/AT&T and Cbeyond Interconnection Agreement, pursuant to 47 U.S.C. §252(i) and 47 C.F.R. §51.809. The parties should file an executed interconnection agreement within ten days after the Consummating Order is issued. The effective date of the agreement should be the date upon which Clective filed its Notice of Adoption, April 29, 2009.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of commissioners in the majority column.

Empty lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS: Commissioner Argenziano participated in the conference by telephone. She will sign the vote sheet upon her return to the office.

Handwritten note: staff to do further analysis on issues discussed at the Commission Conference.

Vote Sheet

August 18, 2009

Docket No. 090246-TP – Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Cbeyond Communications, LLC by Clective Telecom Florida, LLC. (Deferred from the July 14, 2009 Commission Conference, revised recommendation filed.)

(Continued from previous page)

Issue 3: Should this docket be closed?

Recommendation: No. 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, ~~the order should become final and the docket should remain open. Upon filing of the parties executed interconnection agreement, this docket should be closed administratively.~~ the order should become final and the docket should be closed upon issuance of a Consummating Order. If the Commission denies staff's recommendation in Issue 2, the docket should remain open for additional Commission action.

DEFERRED