

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

February 8, 2011

Docket No. 090538-TP – Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Cox Florida Telcom, L.P.; Broadwing Communications, LLC; and John Does 1 through 50 (CLECs whose true names are currently unknown) for rate discrimination in connection with the provision of intrastate switched access services in alleged violation of Sections 364.08 and 364.10, F.S.

Issue 1: Should the Joint Motion to Dismiss Qwest's First and Second Claims for Relief and Request for Reparations in the Form of Refunds be granted?

Recommendation: No. The Commission should deny the Movants' Motion to Dismiss because Qwest has stated a cause of action for which relief may be granted.

DEFERRED

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission accepts staff's recommendation, this docket should not be closed until after an evidentiary hearing has been held and a final order issued. If the Commission denies staff's recommendation in Issue 1 and grants the Movants' Motion to Dismiss, the Movants should be removed as parties and the docket should remain open.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS: Deferred to the February 22, 2011 Commission Conference.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK