

VOTE SHEET

June 14, 2011

Docket No. 110071-TP – Emergency Complaint of Express Phone Service, Inc. against Bellsouth Telecommunications, Inc. d/b/a AT&T Florida regarding interpretation of the parties' interconnection agreement.

Docket No. 110087-TP – Notice of adoption of existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a NewPhone, Inc. by Express Phone Service, Inc.

Issue 1: Should Express Phone Service, Inc.'s Request for Oral Argument on its Motion for Summary Final Order in Docket No. 110087-TP be granted?

Recommendation: Yes. The Commission should allow each party ten minutes for Oral Argument.

APPROVED

Issue 2: Should Express Phone's Motion for Summary Final Order filed in Docket No. 110087-TP be granted?

Recommendation: No. Express Phone's Motion for Summary Final Order in Docket No. 110087-TP should be denied.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

0408 | JUN 14 =

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Issue 3: Should Express Phone be permitted to adopt the Image Access ICA?

Recommendation: No. Adoption of the Image Access ICA is not available to Express Phone because Express Phone is in material breach of the Parties' existing ICA. The adoption would be inconsistent with sound public policy and would not promote effective business practices in the state of Florida.

APPROVED

Issue 4: Should Docket No. 110071-TP be set for hearing?

Recommendation: Yes. Additional discovery and testimony is required to resolve Docket 110071-TP and an evidentiary hearing should be set on the promotional credits.

APPROVED

Issue 5: Should these dockets be closed?

Recommendation: If Express Phone is granted Summary Final Order and the staff's recommendation in issue 2 is denied, issue 3 is rendered moot and Docket No. 110087-TP should be closed. If staff's recommendation to deny Summary Final Order is approved, and staff's recommendation in issue 3, that the Image Access ICA is not available for Express Phone's adoption, is approved, Docket No. 110087-TP should be closed. If staff's recommendation in issue 4 is approved, Docket No. 110071-TP should remain open for an evidentiary hearing to be conducted on the promotional credits.

APPROVED