

VOTE SHEET

March 4, 2008

Docket No. 070691-TP – Complaint and request for emergency relief against Verizon Florida, LLC for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Bright House Networks Information Services (Florida), LLC, and its affiliate, Bright House Networks, LLC.

Issue 1: Should the Commission grant Verizon's Request for Oral Argument?

Recommendation: Yes. Staff recommends that the Commission grant Verizon's Request for Oral Argument, because staff believes that it would be beneficial for both parties to orally address Verizon's Motion to Dismiss. Staff recommends allowing each party five minutes to present its argument, if granted.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

*Neil A. De...*  
*Katrina J. McMurrian (Issues 1, 2, 4)*  
*Scott H. (FH)*  
*John Edgar*  
*W. Jensen*

DISSENTING

*Katrina J. McMurrian (Issue 3 only)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01639 MAR-4 08

FPSC-COMMISSION CLERK

Voté Sheet

• March 4, 2008

Docket No. 070691-TP – Complaint and request for emergency relief against Verizon Florida, LLC for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Bright House Networks Information Services (Florida), LLC, and its affiliate, Bright House Networks, LLC.

(Continued from previous page)

**Issue 2:** Should the Commission grant Verizon's Motion to Dismiss Bright House's Petition for failing to state a claim for which relief can be granted or, alternatively to dismiss the Petition for the independent reason that Bright House should not be allowed to pursue collateral claims before this Commission and the FCC simultaneously?

**Recommendation:** No. Staff recommends that Verizon's primary Motion to Dismiss, as well as its alternative reason to dismiss, be denied, because Bright House's Petition does state a cause of action upon which relief may be granted and Verizon has presented no sufficient basis to conclude that dismissal for Verizon's stated independent reason would be appropriate.

**APPROVED**

**Issue 3:** Should the Commission grant Verizon's Motion in the Alternative -- to grant a Stay of these proceedings pending resolution of the matter filed with the FCC?

**Recommendation:** No. The Commission should not grant a stay of these proceedings pending resolution of the matter filed with the FCC.

**APPROVED**, *Commissioner McMurrian dissented.*

**Issue 4:** Should this Docket be closed?

**Recommendation:** No. If the Commission approves staff's recommendation in Issue 2, this Docket should be held open pending further proceedings.

**APPROVED**