

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

October 28, 2008

Docket No. 080308-TP – Complaint against MCI Communications Services, Inc. d/b/a Verizon Business Services for failure to pay intrastate access charges pursuant to Embarq's tariffs, by Embarq Florida, Inc. (Deferred from the September 16, 2008 Commission Conference.)

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 might benefit the Commission to hear argument on the Motion to Dismiss. If the Commission grants oral argument, staff recommends allowing five minutes for each party.

APPROVED

Issue 2: Should the Commission grant Verizon's Motion to Dismiss Embarq's Complaint?

Recommendation: No. Staff recommends that the Commission deny Verizon's Motion to Dismiss, because Embarq's Complaint states a cause of action that is within the Commission's jurisdiction and for which relief may be granted.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Katrina J. McMissian, [unclear], [unclear], [unclear].

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
10159 OCT 28 8
FPSC-COMMISSION CLERK

Vote Sheet

October 28, 2008

Docket No. 080308-TP – Complaint against MCI Communications Services, Inc. d/b/a Verizon Business Services for failure to pay intrastate access charges pursuant to Embarq's tariffs, by Embarq Florida, Inc. (Deferred from the September 16, 2008 Commission Conference.)

(Continued from previous page)

**Issue 3:** 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**