

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

November 13, 2008

Docket No. 070699-TP – Petition by Intrado Communications, Inc. for arbitration of certain rates, terms, and conditions for interconnection and related arrangements with Embarq Florida, Inc., pursuant to Section 252(b) of the Communications Act of 1934, as amended, and Section 364.162, F.S. (Deferred from the October 28, 2008 Commission Conference.)

Issue 1(a): What services does Intrado Comm currently provide or intend to provide in Florida?

Recommendation: Intrado Comm currently provides or intends to provide 911/E911 service to Public Safety Answering Points in Florida. This service does not meet the definition of “telephone exchange service,” pursuant to 47 U.S.C. 153(47) because it will not provide the ability both to originate and terminate calls.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on lines.

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10578 NOV 13 08

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Issue 1(b): Of the services identified in Issue 1(a), for which, if any, is Embarq required to offer interconnection under Section 251(c) of the Telecommunications Act of 1996?

Recommendation: If the Commission approves staff's recommendation in Issue 1(a) and finds that Intrado Comm's 911/E911 service does not meet the definition of "telephone exchange service," then staff recommends that the Commission find that Embarq is not required to provide interconnection pursuant to the provisions set forth in §251(c). Moreover, staff recommends that since any resulting agreement between the parties is not pursuant to §251(c), the Commission need not address the remaining 22 issues identified in the Prehearing Order, Order No. PSC-08-0401-PHO-TP.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1(a) and 1(b), then this docket should be closed and the parties may negotiate a commercial agreement pursuant to §251(a). If the Commission denies staff's recommendations in Issues 1(a) and 1(b), then the docket should remain open for resolution of the remaining 9 issues. Apart from the consideration of Issues 1(a) and 1(b), staff has become aware of several public policy matters that may warrant examination with the emergence of competitive 911/E911 providers. As such, staff recommends that the Commission direct staff to further explore these matters.

APPROVED