

VOTE SHEET

May 4, 2010

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 Telecom, 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 CLECs' and Verizon Access' Requests for Oral Argument on their Motions be granted?

Recommendation: No, the Requests for Oral Argument should not be granted. Staff believes that the parties' filings have provided sufficient information regarding the Motions at issue. Consequently, staff recommends that the Commission should not hear oral argument from the parties. However, should the Commission decide to grant oral argument, staff recommends that each side be allowed ten minutes to present its argument.

DENIED *oral argument granted*

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

naa
David B. Clement
[Signature]
[Signature]
[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03698 MAY-4 0

May 4, 2010

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 (CLEC's 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.

(Continued from previous page)

Issue 2: Should the Joint CLECs' Partial Motion to Dismiss and Verizon Access' Motion to Dismiss Reparations Claim be granted?

Recommendation: Yes. The Joint CLECs' Partial Motion to Dismiss and Verizon Access' Motion to Dismiss Reparations Claim should be granted to the extent Qwest seeks monetary damages or injunctive relief. Staff believes the Commission lacks the authority to (a) issue injunctions or (b) award damages. However, staff notes that the Commission has the authority to order refunds, if applicable.

APPROVED

Issue 3: Should Verizon Access' Motion for Summary Final Order Dismissing All Other Claims Against Verizon Access be granted?

Recommendation: No. A conclusive showing that there is no genuine issue of material fact in dispute cannot be made until there has been adequate time for the discovery process and testimony. Therefore, staff recommends that Verizon Access' Motion for Summary Final Order should be denied without prejudice.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: No. If the Commission approves or denies staff's recommendations in Issue 2 and 3, this docket should remain open. However, if the Commission denies staff's recommendation in Issue 3 and grant the motion for summary final judgment, Verizon Access should be removed as a party.

APPROVED