

VOTE SHEET

August 29, 2006

Docket No. 060455-TP – Complaint against AT&T Communications of the Southern States, LLC d/b/a AT&T d/b/a Lucky Dog Phone Co. d/b/a ACC Business d/b/a SmarTalk d/b/a Unispeaksm Service d/b/a www.prepayserviceguide.com d/b/a CONQUEST for failure to pay intrastate access charges pursuant to Embarq's tariffs, by Embarq Florida, Inc., f/k/a Sprint-Florida, Incorporated.

Issue 1: Should AT&T's request for oral argument be granted?

Recommendation: Yes. Staff recommends that AT&T's request for oral argument be granted. If the Commission grants oral argument, staff recommends that each party be allowed ten minutes to present oral argument.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on a set of four horizontal lines.

Four horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

07938 AUG 29 06

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**Issue 2:** Should the Commission grant AT&T's Motion to Dismiss or, in the alternative, Stay the Proceeding?

**Recommendation:** No. The Commission should deny AT&T's Motion to Dismiss or, in the alternative, Stay the Proceeding because the Motion fails to raise arguments sufficient to support dismissal of the Complaint and pursuant to Florida Statutes, the Commission is charged with enforcing the statutes raised in Embarq's complaint.

**APPROVED**

Additionally, on the Commission's own motion, the docket will be abated 60 days to allow the parties to conduct mandatory mediation. The parties are to provide status,

**Issue 3:** Should this docket be closed?

**Recommendation:** No. If the Commission approves staff's recommendation in ~~Issue 2~~, this docket should remain open and be set for hearing.



The docket will remain open consistent with the decision in Issue 2.

reports on the mediation at the end of 60 days, at which point it will be determined how to proceed. The parties are also encouraged to allocate the issues among different forums and ~~determine~~ ~~to~~ make the appropriate filings to get the issues to those forums.