FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

July 10, 2007

Docket No. 070127-TX – Petition for interconnection with Level 3 Communications and request for expedited resolution, by Neutral Tandem, Inc.

Issue 1: Does the Commission have jurisdiction over Neutral Tandem's Petition? If so, what is the source of the Commission's authority?

Recommendation: Yes. Pursuant to §364.16(2), Florida Statutes, the Commission has authority to ensure that a CLEC provides access to and interconnection with its telecommunications service to any other provider of local exchange telecommunications service.

WITHDRAWN

Issue 2: If the Commission has jurisdiction over Neutral Tandem's Petition, does Neutral Tandem have standing to seek relief under §§364.16 and 364.162, Florida Statutes?

Recommendation: No. Staff does not believe Neutral Tandem's delivery of transit traffic constitutes provision of local exchange telecommunications service for the purposes of §364.16(2), Florida Statutes. Accordingly, staff recommends the Petition be dismissed without prejudice for lack of standing.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY	DISSENTING
_____	_____
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 3(a): If the Commission has jurisdiction over Neutral Tandem's Petition and determines that Neutral Tandem has standing to bring its Petition:

a. Can the Commission require direct interconnection between Level 3 and Neutral Tandem, for the purpose of terminating transit traffic from originating carriers, delivered by Neutral Tandem to Level 3?

Recommendation: If the Commission approves staff's recommendation in Issue 2, this issue will be rendered moot.

Issue 4: Should this docket be closed?
Recommendation: Yes. If the Commission approves staff's recommendation in Issue 2, this docket should be closed.