

VOTE SHEET

November 20, 2007

Docket No. 070126-TL – Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.

Issue 1: Should the Commission grant AT&T Florida’s Amended Motion for Summary Final Order?

Recommendation: No. The Commission should deny AT&T Florida's Amended Motion for Summary Final Order seeking relief from its COLR obligation, pursuant to Section 364.025(6)(d), Florida Statutes, because AT&T Florida is not entitled to a summary final order as a matter of law.

APPROVED

Issue 2: If the Commission grants staff’s recommendation in Issue 1, should the Commission, on its own motion, reconsider its decision to set this matter directly for hearing?

Recommendation: Yes. Given the withdrawal of Avalon Development as a party and staff’s thorough review of the evidence, a hearing appears unnecessary to determine AT&T Florida’s petition for waiver. Procedurally, staff recommends that the Commission issue a notice of proposed agency action.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of commissioners under the MAJORITY column.

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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Issue 3: Has AT&T Florida demonstrated “good cause” under Section 364.025(6)(d) for a waiver of its carrier-of-last-resort obligation in the Development of Avalon?

Recommendation: Yes. Staff believes that in view of the evidence and testimony presented by AT&T Florida, combined with the unwillingness of the developer of Villages of Avalon Phase II to participate or provide information in this proceeding, good cause exists under Section 364.025(6)(d) for a waiver of the carrier-of-last-resort obligation.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: If the Commission grants staff’s recommendations in Issue 1 and Issue 2, the Order issued from the recommendation in Issue 3 will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission’s decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. If the Commission’s Order is not protested, this docket should be closed administratively upon issuance of the Consummating Order.

APPROVED