

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

June 17, 2008

Docket No. 070408-TP – Petition by Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC for resolution of interconnection dispute with Level 3 Communications, LLC, and request for expedited resolution. (Deferred from the May 20, 2008 Commission Conference.)

Issue 1: Should Level 3 be granted interim compensation pending the final decision in this proceeding?

Recommendation: Yes. Staff recommends that for traffic subject to the Level 3 Contract, Level 3 is entitled to compensation for traffic termination and Neutral Tandem is entitled to compensation for transit services, to the extent these services are rendered. Level 3 should not be compensated for any of the traffic subject to the Broadwing Contract. These compensation measures follow the surviving on-going obligations contained in the Level 3 Contract and maintain the status quo in the interim, pending the Commission’s final decision in this proceeding.

WITHDRAWN

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COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 2: How should interim compensation be determined and when should it be paid?

Recommendation: If the Commission approves the staff recommendation in Issue 1, staff recommends that compensation obligations should be determined using the formula included in the Level 3 Contract for traffic exchanged by the parties on an interim basis, pending the Commission's final decision. For Broadwing traffic, no compensation is due. These compensation measures apply to any services rendered under the Level 3 Contract, effective March 24, 2007, and extend through the date the Commission makes a final decision in this proceeding, the date a new agreement is effective, or the date the exchange of traffic ceases. Staff recommends that payment for services already received since March 24, 2007, should be made within 45 days after receipt of a bill (using the compensation formula in the Level 3 Contract) and thereafter in accord with the payment terms in Section 7 of the Level 3 Contract.

If the Commission denies the staff recommendation in Issue 1, this issue is moot.

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Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open pending the hearing scheduled for September 24, 2008, through September 26, 2008.

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