

VOTE SHEET

April 26, 2011

Docket No. 090538-TP – Amended 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; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

Issue 1: Should the Movants' Request for Oral Argument be granted?

Recommendation: No. The Commission should deny the Movants' Request for Oral Argument.

DENIED *Oral Argument was granted.*

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

02838 APR 26 =

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Issue 2: Should the Commission grant the Motion for Reconsideration of the Commission's Order reconsider its decision on Movants' Motion to Dismiss?

Recommendation: No. The Commission should deny Movants' Motion for Reconsideration of Order No. PSC-11-0145-FOF-TP.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: No. If the Commission accepts staff's recommendation, this docket should not be closed until after an evidentiary hearing has been held and a final order issued. If the Commission denies staff's recommendation in Issue 2 and grants the Movants' Motion For Reconsideration, the Movants should be removed as parties and the docket should remain open for staff to address the status of the remaining parties.

APPROVED