

VOTE SHEET

September 8, 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 Commission grant the Joint Movants' request for Oral Argument?

Recommendation: Yes. Oral Argument would assist the Commission's consideration of the Motion to Dismiss. Staff recommends the parties be allowed ten minutes per side.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including names like Julie R., Lisa G., and M. D.

Empty lines in the dissenting column.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

06450 SEP -8 =

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Issue 2: Should the Commission grant the Joint Movants' Motion to Dismiss for lack of subject matter jurisdiction?

Recommendation: No. The Commission retains jurisdiction over Qwest's Complaint. The Commission should deny the Joint Movants' Motion to Dismiss because Qwest has stated a cause of action for which relief may be granted and the issue identification meeting should be rescheduled.

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 to Dismiss, the amended complaint should be dismissed and the docket closed.

APPROVED