

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

November 27, 2012

Docket No. 120231-TP – Complaint of Budget Prepay, Inc. against BellSouth Telecommunications, LLC d/b/a AT&T Florida.

Issue 1: Should the Commission grant Budget’s Request for Oral Argument?

Recommendation: Yes. The Commission should grant Budget’s Request for Oral Argument and set a 5 minute per side limit.

WITHDRAWN

RECEIVED-FPSC
12 NOV 27 AM 10:47
COMMISSION
OLEMK

COMMISSIONERS All Commissioners

ASSIGNED:

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE
07852 NOV 27 2012
FPSC-COMMISSION CLERK

Vote Sheet

November 27, 2012

Docket No. 120231-TP – Complaint of Budget Prepay, Inc. against BellSouth Telecommunications, LLC d/b/a AT&T Florida.

(Continued from previous page)

Issue 2: Should the Commission prohibit AT&T FL from suspending Budget's order processing and/or disconnecting Budget's services while the Commission hears Budget's Complaint in this Docket?

Recommendation: No. The Commission should not prohibit AT&T FL from suspending order processing for Budget and/or disconnecting Budget's service.

WITHDRAWN

Issue 3: Should the Commission require Budget to post a bond sufficient to ensure AT&T FL's recovery of withheld amounts or pay into escrow all amounts Budget has withheld pending the outcome of this proceeding?

Recommendation: No. The Commission should not require Budget to post a bond or place funds in escrow pending the outcome of this proceeding.

WITHDRAWN

Issue 4: Should this Docket be closed?

Recommendation: No. This Docket should remain open to address Budget's Complaint.

WITHDRAWN

Catherine Potts

From: Matilda Sanders
Sent: Monday, November 26, 2012 12:25 PM
To: CLK - Agenda Staff
Subject: 120231-TP Request for withdrawal Item 5 at 11/27/12 Commission Conference
Attachments: 07829-12.pdf

The request for withdrawal of Item 5 in docket 120231-TP at 11/27/12 Commission Conference has been issued to parties, and attached above for your convenience.

Matilda/CLK

REQUEST FOR CHANGE TO COMMISSION CONFERENCE
HAND DELIVER

Date of Request: 11/21/2012 Date of Commission Conference: 11/27/2012 Item No. 5

Docket No.: 120231-TP Brief Title: Budget Prepay, Inc. complaint against BellSouth

Requested by: Staff Other Counsel for Parties (Name)

Please attach a copy of the written documentation filed (IF OTHER)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

RECEIVED FPSC
12 NOV 26 AM 11:44
COMMISSION CLERK

ACTION REQUESTED [see APM 2.11]

- Defer Item to Conference Scheduled for: _____ Date: _____
- Change Order of Item or Take Up at Time Certain
- Withdraw Item (not expected to return to Agenda)
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) A copy of the front page of the recommendation must be provided to the Commission Clerk by 12 noon on the regular filing date for use as a place-holder during agenda preparation.
- Add Item to Published Agenda [see Section 120.525(2), F.S.] – Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] – Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

Counsels for the parties in the above-referenced docket have indicated the parties have resolved their differences. Accordingly, both Budget and AT&T would respectfully request that agenda item number 5 in this docket be deferred indefinitely to allow the parties time to put in place their agreement. It is further anticipated that, following the memorialization and execution of the parties' settlement agreement, a joint notice of voluntary dismissal will be prepared and filed, effectively dismissing Budget's complaint and AT&T's counter-claim.

Signature (Technical Staff): *[Handwritten Signature]*

Initials (Division/Office Director or Designee): *[Handwritten Initials]*

Signature (Legal Staff): *[Handwritten Signature]*

Initials (General Counsel or Designee): *[Handwritten Initials]*

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office
Initials: *[Handwritten Initials]*
Comments:

Approve Request Deny Request
Date: *11/26/12*

CHAIRMAN'S OFFICE:

Initials: *[Handwritten Initials]*

Approve Request Deny Request
Date: *11/26/12*

The Executive Suite will forward the original approved form to the Office of Commission Clerk and send email notification of the approval to the OPR division/office director, Executive Director, Deputy Executive Director-Technical, Deputy Executive Director-Administrative, Docket Manager, General Counsel, Legal Services Director, Customer Assistance and Outreach Director, Commissioners' Aides and Assistants, attorney assigned to the docket, and Clerk's Office Agenda Staff.

07829 NOV 26 2012
FPSC-COMMISSION CLERK

Jeff Bates

From: Mary Anne Helton
Sent: Wednesday, November 21, 2012 3:07 PM
To: Charles Murphy; Adam Teitzman; Beth Salak; Mark Long; Jeff Bates; Brenda Hawkins; Greg Fogleman
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite; Braulio Baez; Chuck Hill; Lisa Harvey; Curt Kiser
Subject: FW: Docket No. 120231-TP, Complaint of Budget Prepay, Inc. v. AT&T of Florida
FYI - Jon Moyle and Tracy Hatch are requesting a deferral for Tuesday's Agenda for Docket No. 120231-TP. I told them that the request would be processed on Monday.

Mary Anne

From: Jon Moyle [mailto:jmoyle@moylslaw.com]
Sent: Wednesday, November 21, 2012 2:26 PM
To: Mary Anne Helton
Cc: thatch@att.com
Subject: Docket No. 120231-TP, Complaint of Budget Prepay, Inc. v. AT&T of Florida

Mary Anne: As Tracy Hatch and I indicated to you when we all recently spoke, our respective clients in the above-referenced docket have resolved their differences. While it will take some time to have this resolution memorialized and executed, a settlement has been reached. Accordingly, both Budget and AT&T would respectfully request that agenda item number 5 in this docket, currently scheduled to be considered next Tuesday, November 27, 2012, be deferred indefinitely to allow the parties time to put in place their agreement. It is further anticipated that, following the memorialization and execution of the parties' settlement agreement, a joint notice of voluntary dismissal will be prepared and filed, effectively dismissing Budget's complaint and AT&T's counter-claim.

Thank you for taking the appropriate action on this joint request to defer the pending agenda item. If you have any questions or need any additional information, please let Tracy or me know. Regards, Jon

Jon Moyle
jmoyle@moylslaw.com



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11/21/2012
