

VOTE SHEET

March 18, 2008

Docket No. 080036-TP – Complaint and request for emergency relief against Verizon Florida, L.L.C. for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone.

Issue 1: Should the Commission grant Verizon's Motion to Dismiss Comcast's Petition for failing to state a claim for which relief can be granted or alternatively, to dismiss the Petition for the independent reason that Comcast should not be allowed to pursue collateral claims before this Commission and the FCC simultaneously?

Recommendation: No. Staff recommends that Verizon's primary Motion to Dismiss, as well as its alternative reason to dismiss, be denied, because Comcast's Petition does state a cause of action upon which relief may be granted and Verizon has presented no sufficient basis to conclude that dismissal for Verizon's stated independent reason would be appropriate.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Katrina J. McMurrian (Issues 1, 3, 4), and others.

Handwritten signature of dissenting commissioner: Katrina J. McMurrian (Issue 2 only).

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

02004 MAR 18 8

FPSC-COMMISSION CLERK

Vote Sheet

March 18, 2008

Docket No. 080036-TP – Complaint and request for emergency relief against Verizon Florida, L.L.C. for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone.

(Continued from previous page)

Issue 2: Should the Commission grant Verizon's Motion in the Alternative -- to grant a Stay of these proceedings pending resolution of the matter filed with the FCC?

Recommendation: No. The Commission should not grant a stay of these proceedings pending resolution of the matter filed with the FCC.

APPROVED; *Commissioner McMurrian dissented on issue 2 only.*

Issue 3: If the Commission approves staff's recommendation in Issue 1, should the Commission consolidate this Docket No. 080036-TP, with Docket No. 070691-TP, Complaint and request for emergency relief against Verizon Florida, LLC for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Bright House Networks Information Services (Florida), LLC, and its affiliate, Bright House Networks, LLC?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, the Commission should consolidate this Docket No. 080036-TP, with Docket No. 070691-TP, Bright House's Complaint against Verizon.

APPROVED

Issue 4: Should this Docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1, this Docket should remain open pending further proceedings.

APPROVED