

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

November 10, 2009

Docket No. 090430-TP – Amended petition for verified emergency injunctive relief and request to restrict or prohibit AT&T from implementing its CLEC OSS-related releases, by Saturn Telecommunication Services, Inc.

Issue 1: Should the Commission grant AT&T’s Partial Motion to Dismiss?

Recommendation: Yes, in part. Staff believes that STS’ request supported by s. 364.15, F.S. and request for costs should be dismissed. Staff believes that STS has incorrectly relied on s. 364.15, F.S. to support its request that the Commission stay AT&T’s November OSS Release. Additionally, staff does not believe the Commission has subject matter jurisdiction to award costs as requested by STS.

However, staff believes that the Commission, in its continuing oversight role of AT&T’s operations support systems (OSS) and its exclusive authority to prevent anticompetitive behavior amongst telecommunication providers, may at its discretion, require AT&T to stay its November 10, 2009 release in the form requested by STS.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including 'David O. Klement' and several other illegible signatures.

Four horizontal lines in the dissenting column, all of which are blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

11236 NOV 10 09

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Issue 2: Should the Commission grant STS' request to restrict or prohibit AT&T from implementing its OSS Release scheduled for implementation in Florida on November 14, 2009?

Recommendation: No. The Commission should not restrict or prohibit AT&T from implementing its OSS release scheduled for November 14, 2009, under the condition that staff is allowed to conduct a post implementation review. Additionally, AT&T should be required to run the existing OSS ordering interface (LENS) in parallel until completion of staff's review and any Commission decision on this matter.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1 the resulting decision will be issued as a Final Agency Action.

If the Commission approves staff's recommendation in Issue 2, the resulting decision will be issued as a Proposed Agency Action. The decision will become final upon issuance of a Consummating Order, if no person whose substantial interests are affected timely files a protest within 21 days of the issuance of the Order. Additionally, the remaining requests in STS' amended petition should be put in abeyance until staff brings a recommendation back to the Commission after completion of the review.

APPROVED