

VOTE SHEET

January 26, 2010

Docket No. 090461-TL – Petition for modification of Service Guarantee Program by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.

**Issue 1:** Pursuant to Section 364.02, F.S., what services constitute basic telecommunication service for purposes of AT&T Florida’s proposed Service Guarantee Program?

**Recommendation:** Pursuant to Section 364.02(1), F.S., access to intraLATA and interLATA are basic services. Staff believes that an AT&T Florida customer who is presubscribed to intraLATA and interLATA services should not be exempted from the protection of AT&T Florida’s proposed Service Guarantee Program. Presubscription simply provides a customer access to intraLATA and interLATA services. Furthermore, interLATA services are not unregulated because the Commission retains limited oversight and regulation of intrastate interexchange telecommunication (IXC) services. Presubscribing to interLATA and intraLATA toll should be identified as basic telecommunication service for purposes of AT&T Florida’s proposed Service Guarantee Program.

**DENIED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

*David E. Klement*  
*[Signature]*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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(Continued from previous page)

**Issue 2:** Should the Commission approve AT&T Florida's request to modify its existing Service Guarantee Program, pursuant to the changes to the service quality rules necessitated by Chapter 2009-226, Laws of Florida?

**Recommendation:** Yes, the Commission should approve AT&T Florida's request to modify its existing Service Guarantee Program, pursuant to the changes to the service quality rules necessitated by Chapter 2009-226, Laws of Florida. Customers, to whom the Service Guarantee Program applies, should be identified based on the Commission's decision in Issue 1.

**APPROVED** *as discussed at the Commission Conference*

**Issue 3:** Should this docket be closed?

**Recommendation:** If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

**APPROVED**