

VOTE SHEET

AUGUST 18, 1997

RE: DOCKET NO. 970788-TP - Complaint and/or petition for arbitration against Sprint Florida, Incorporated by Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida pursuant to Section 252 of the Telecommunications Act of 1996 and request for expedited hearing pursuant to Section 364.058, F.S.

Issue 1: Should the Commission grant Sprint-Florida, Incorporated's Motion to Dismiss the Complaint and/or Petition of Wireless One Network, L.P.?

Recommendation: Yes. The Commission should grant Sprint's Motion to Dismiss Wireless One's Petition. Even when viewed in the light most favorable to the petitioner, Wireless One's Petition does not state a cause of action upon which relief can be granted at this time because it is premature.

MODIFIED

The motion to dismiss was granted, with leave to amend.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

08316 AUG 18 97

FPSC-RECORDS/REPORTING

VOTE SHEET

MONDAY, AUGUST 18

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(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, no further issues will remain in this docket for the Commission to address. This docket should, therefore, be closed.

DENIED

Docket will remain open due to decision in Issue 1.