

VOTE SHEET

OCTOBER 16, 2001

RE: Docket No. 010345-TP - Petition by AT&T Communications of the Southern States, Inc., TCG South Florida, and MediaOne Florida Telecommunications, Inc. for structural separation of BellSouth Telecommunications, Inc. into two distinct wholesale and retail corporate subsidiaries.

ISSUE 1: Should BellSouth's Motions to Dismiss, or in the alternative Motions to Strike AT&T's Petition and FCCA's Request be granted?

RECOMMENDATION: No. The Motion regarding AT&T's Petition has been rendered moot. Staff's recommendation on BellSouth's Motion regarding FCCA's Request is subsumed in its recommendation in Issue 2 and 4.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the Majority column]

[Handwritten signature: Michael A. Palecki]

REMARKS/DISSENTING COMMENTS:

~~Chairman Jacobs dissented in part~~
~~and concurred in part.~~ Commissioner
Palecki dissented from the majority
decision.

replacement
DOCUMENT NUMBER-DATE
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(Continued from previous page)

ISSUE 2: Should BellSouth's Motion to Dismiss, filed August 28, 2001, be granted?

RECOMMENDATION: No. The Motion should be denied with the understanding that the Commission's authority to order any relief will be made when the appropriate relief, if any, is determined. This analysis is also applicable to BellSouth's Motion to Dismiss FCCA's Request filed April 17, 2001.

DENIED

The motion to dismiss was granted. The petitions were dismissed. The parties will be allowed to refile petitions expressing what they want the Commission to accomplish and why, with the understanding that structural separation is not a remedy. ~~Chairman's motion to dismiss is not to be concurred in.~~

ISSUE 3: Should BellSouth's Motion for More Definite Statement and Motion to Strike Clarified and Amended Petition, filed August 28, 2001, be granted?

RECOMMENDATION: No. The Motions should be denied.

MOOT

Chairman. Commissioner Palecki dissented.

ISSUE 4: Should the Commission proceed to hearing on AT&T's Amended Petition to consider structural separation of BellSouth, as well as other remedies?

RECOMMENDATION: Yes. The Commission should set this docket for hearing and continue its investigation of the matters raised in AT&T's Amended Petition and FCCA's Request.

MOOT

*CCA note: *Vote Sheet corrected 11/2/01 after review of audiotape.*

** Reference to dissent by Chairman.*

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ISSUE 5: Should this docket be closed?

RECOMMENDATION: No. Based on staff's recommendations in Issues 1, 2, 3, and 4, this docket should remain open.

DENIED

The docket will be closed.