FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

AUGUST 6, 2002

RE: Docket No. 001305-TP - Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

ISSUE 1: Should the Commission grant Supra's Motion to Strike BellSouth's letter of October 30, 2001, to Blanca Bayó; Strike BellSouth's post-hearing position/summary with respect to Issue B; and to Alter/Amend Final Order pursuant to F.R.C.P. 1.540(B)?
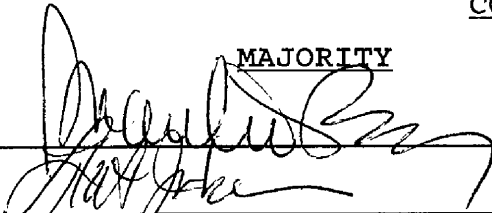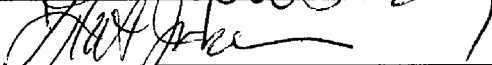RECOMMENDATION: No.

APPROVED

COMMISSIONERS ASSIGNED: Jaber, Baez, Palecki

COMMISSIONERS' SIGNATURES

MAJORITY   DISSENTING

Michael A Palecki

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER DATE

08250 AUG -6 ⁸

FPSC-COMMISSION CLERK

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ISSUE 2: Should the Commission grant Supra's Motion to Compel BellSouth to Continue Good Faith Negotiations of a Follow-Up Agreement?
RECOMMENDATION: No.

APPROVED

ISSUE 3: Should the Commission grant BellSouth's Motion for Expedited Commission Action?
RECOMMENDATION: The Motion should be granted, in part, and denied, in part, as set forth in the analysis portion of staff's July 25, 2002 memorandum.

APPROVED

ISSUE 4: Should Supra's July 22, 2002, Motion to Strike the July 15, 2002, Agreement filed by BellSouth be granted?
RECOMMENDATION: No. The Motion should be denied.

APPROVED

ISSUE 5: Is the Interconnection Agreement filed by BellSouth on July 15, 2002, compliant with the Commission's Orders in this Docket?
RECOMMENDATION: Yes. The Interconnection Agreement filed by BellSouth on July 15, 2002 complies with the Commission's Orders in this Docket. However, two sections of the Interconnection Agreement do not appear to

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comply with the current state of the law. As such, staff recommends that
two sections of the Interconnection Agreement be revised as identified in
the analysis portion of staff's memorandum.

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ISSUE 6: Should this Docket be closed?
RECOMMENDATION: No. If the Commission approves staff's recommendations in
Issues 1-5, this Docket should remain open pending administrative approval,
on an expedited basis, of a signed interconnection agreement or notice of
adoption filed within 10 days of the Commission's decision at the Agenda
Conference. Upon administrative approval of an agreement, or if no signed
agreement or notice of adoption is filed within 10 days of the Agenda
Conference, staff should be allowed to administratively close this Docket
after the time for filing an appeal has run.
     Staff recommends that the opportunity for reconsideration not be
provided in this instance. Herein, the Commission is asked to address
several motions that staff believes can be considered thinly veiled motions
for reconsideration for which Commission rules do not provide for further
reconsideration. See Rule 25-22.060, Florida Administrative Code.
Furthermore, this proceeding has been conducted pursuant to the
Telecommunications Act of 1996, which does not contemplate further review
by the state commission of its own decisions in proceedings conducted
pursuant to the Act. While Chapter 120, Florida Statutes, and Commission
rules do provide for reconsideration of final orders, Section 120.80(13),
Florida Statutes, also allows the Commission to adopt processes and
procedures necessary to implement the Act. In this particular instance,
staff believes that proper, timely implementation of this case consistent
with the Act necessitates that the opportunity for reconsideration of the
Commission's decisions on the issues addressed in this recommendation not
be provided.

APPROVED