

FLORIDA PUBLIC SERVICE COMMISSION

21A

VOTE SHEET

DECEMBER 2, 2002

RE: Docket No. 000075-TP - Investigation into appropriate methods to compensate carriers for exchange of traffic subject to Section 251 of the Telecommunications Act of 1996.

ISSUE A: Should the Commission grant AT&T/TCG/AT&T Broadband's Request for Oral Argument on its Motion for Reconsideration of Order No. PSC-02-1248-FOF-TP?

RECOMMENDATION: No. Pursuant to Rule 25-22.060(1)(f), Florida Administrative Code, oral argument on any post-hearing motion for reconsideration may be granted solely at the Commission's discretion. In this instance, staff believes that oral argument will not aid the Commission in evaluating issues before it.

DEFERRED

COMMISSIONERS ASSIGNED: Jaber, Deason, Baez, Palecki

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

13151 DEC-28

FPSC-COMMISSION CLERK

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ISSUE 1: Should the Commission grant the various Motions for Reconsideration filed regarding the tandem interconnection rate and definition of "comparable geographic area" in Order No. PSC-02-1248-FOF-TP?

RECOMMENDATION: No. The Motions have not identified a point of fact or law which was overlooked or which the Commission failed to consider in rendering its decision. Therefore, the Motions for Reconsideration regarding the tandem interconnection rate and definition of "comparable geographic area" in Order No. PSC-02-1248-FOF-TP should be denied.

ISSUE 2: Should the Commission grant the various Motions for Reconsideration filed regarding assignment of telephone numbers and the related intercarrier compensation in Order No. PSC-02-1248-FOF-TP?

RECOMMENDATION: No. The Motions have not identified a point of fact or law which was overlooked or which the Commission failed to consider in rendering its decision. Therefore, the Motions for Reconsideration regarding assignment of telephone numbers and the related intercarrier compensation in Order No. PSC-02-1248-FOF-TP should be denied.

ISSUE 3: Should the Commission grant the various Motions for Reconsideration regarding the definition of local calling area defined by Order No. PSC-02-1248-FOF-TP?

RECOMMENDATION: Yes. The Motions have identified a point of fact or law which was overlooked or which the Commission failed to consider in rendering its decision. Therefore, the Motions for Reconsideration regarding the definition of local calling area established by Order No.

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PSC-02-1248-FOF-TP should be granted. Staff recommends that no default option specifying the applicable local calling scope for purposes of intercarrier compensation should be set at this time.

ISSUE 4: Should the Commission grant the various Motions for Reconsideration regarding the ruling requiring the originating carrier to bear all the cost of transport to a distant point of interconnection in Order No. PSC-02-1248-FOF-TP?

RECOMMENDATION: No. The Motions have not identified a point of fact or law which was overlooked or which the Commission failed to consider in rendering its decision. Therefore, the Motions for Reconsideration regarding the ruling requiring the originating carrier to bear all the cost of transport to a distant point of interconnection in Order No. PSC-02-1248-FOF-TP should be denied. However, staff believes the Commission should clarify and emphasize that this Commission's ruling will remain in effect only until such time as the FCC makes a definitive ruling on this issue. In addition, staff believes that the Commission should clarify that the point of interconnection designated by the ALEC, to which the originating carrier has the responsibility for delivering its traffic, must be within the ILEC's network.

ISSUE 5: Should Verizon's Motion to Strike GNAP's Notice of Adoption be granted?

RECOMMENDATION: Yes. GNAPs' Notice of Adoption appears to be an untimely Motion for Reconsideration or Response to a Motion. It is not otherwise contemplated by Commission rules.

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ISSUE 6: Should the various requests/motions for stay pending appeal be granted?

RECOMMENDATION: If staff's recommendation in Issue 3 is approved and reconsideration is granted, staff believes that the requests for stay are rendered moot. If, however, the Commission denies staff's recommendation in Issue 3, staff recommends that the requests for stay be denied.

ISSUE 7: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation, no further action would be required.