

VOTE SHEET

DECEMBER 17, 2002

RE: Docket No. 020507-TL - Complaint of Florida Competitive Carriers Association against BellSouth Telecommunications, Inc. regarding BellSouth's practice of refusing to provide FastAccess Internet Service to customers who receive voice service from a competitive voice provider, and request for expedited relief.

ISSUE 1: Should the Commission grant BellSouth Telecommunications, Inc.'s Motion for Reconsideration and/or Modification of Order No. PSC-02-1618-PCO-TL to the Full Commission?

RECOMMENDATION: No. BellSouth has failed to demonstrate that the Prehearing Officer made a mistake of fact or law in rendering his decision. Therefore, staff recommends that BellSouth's Motion for Reconsideration and/or Modification of Order No. PSC-02-1618-PCO-TL to the Full Commission should be denied.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Kudrycki
W. J. ...
...
J. ...
Vincent A. Palochi

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

13720 DEC 17 02

FPSC-COMMISSION CLERK

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ISSUE 2: Should the Commission grant BellSouth Telecommunications, Inc.'s Motion, in the Alternative, to Convert to a Generic Proceeding?

RECOMMENDATION: Yes. Staff recommends that the Commission establish a generic docket to investigate and address whether a telecommunications carrier's refusal to provide its high-speed Internet access service to any customer other than its own voice service customer violates state or federal law, as well as any other issues the Commission deems appropriate. Further, staff recommends that in granting BellSouth's Motion that this docket be consolidated with the generic docket.

DENIED

The recommendation was denied without prejudice to BellSouth or any other party to request a generic proceeding in the future.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending further proceedings. Currently, this matter is scheduled for an administrative hearing to be held on January 30, 2003, which would be unaffected by the Commission's vote on Issue 1 and would remain unaffected should the Commission reject staff's recommendation on Issue 2. Should the Commission vote to approve staff's recommendation on Issue 2 and establish a generic proceeding and consolidate this docket into that generic docket, then staff believes the hearing in this docket would need to be rescheduled and new testimony dates established for the generic proceeding to allow for notice and due process for all potentially affected persons. Further, if the Commission approves staff's recommendation on Issue 2, then all parties from this docket should automatically become parties in the generic docket.

APPROVED