

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JUNE 17, 2003

RE: Docket No. 990649B-TP - Investigation into pricing of unbundled network elements (Sprint/Verizon track).

ISSUE 1: Should the parties be granted oral argument?

RECOMMENDATION: No. Staff recommends that the Commission deny FDN and KMC's Joint Request for Oral Argument.

**APPROVED**

ISSUE 2: Has the Commission impermissibly reversed the burden of proof?

RECOMMENDATION: No. Staff recommends that the Commission find that it did not overlook a point of fact or law, nor was there an impermissible reversal of the burden of proof.

**APPROVED**

COMMISSIONERS ASSIGNED: Jaber, Deason, Baez, Bradley

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures: Jaber, Deason, Bradley, Baez]*

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REMARKS/DISSENTING COMMENTS:

*Commissioners Jaber & Baez dissented on issue 3*

DOCUMENT NUMBER DATE

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ISSUE 3: Did the Commission overlook or fail to consider a point of fact or law regarding the deaveraging approach utilized in this proceeding?

RECOMMENDATION: No. Staff recommends that the Commission did not overlook or fail to consider a point of fact or law regarding the deaveraging approach utilized in this proceeding.

**APPROVED**

*Commissioners Fisher & Baez  
dissented*

ISSUE 4: Did the Commission overlook or fail to consider a point of fact or law regarding the fill factors utilized in this proceeding?

RECOMMENDATION: No. Staff recommends that the Commission did not overlook or fail to consider a point of fact or law concerning Sprint's fill factors.

**APPROVED**

ISSUE 5: Did the Commission overlook or fail to consider a point of fact or law regarding the customer locations utilized in this proceeding?

RECOMMENDATION: No. Staff recommends that the Commission find that it did not overlook or fail to consider a point of fact or law regarding the customer locations utilized in this proceeding.

**APPROVED**

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ISSUE 6: Did the Commission overlook or fail to consider a point of fact or law regarding Cable Material and Placement Costs utilized in this proceeding?

RECOMMENDATION: No. Staff recommends that the Commission find that the Commission did not overlook or fail to consider any point of fact or law regarding Cable Material and Placement Costs utilized in this proceeding.

**APPROVED**

ISSUE 7: Did the Commission overlook or fail to consider a point of fact or law regarding expenses in rendering its decision in this proceeding?

RECOMMENDATION: No. Staff recommends that the Commission find that it did not overlook or fail to consider any point of fact or law in rendering its decision regarding expenses utilized in this proceeding.

**APPROVED**

ISSUE 8: Did the Commission overlook or fail to consider a point of fact or law regarding Work-Times For Non-Recurring Charges utilized in this proceeding?

RECOMMENDATION: No. Staff recommends that the Commission find that FDN and KMC's Motion did not identify any point of fact or law which was overlooked or which the Commission failed to consider regarding the Work-Times for Non-Recurring Charges utilized in this proceeding.

**APPROVED**

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ISSUE 9: Did the Commission overlook or fail to consider a point of fact or law regarding Non-Recurring OSS Charges utilized in this proceeding?

RECOMMENDATION: No. Staff recommends that the Commission find that it did not overlook or fail to consider any point of fact or law in rendering its decision regarding Non-Recurring OSS Charges utilized in this proceeding.

**APPROVED**

ISSUE 10: Did the Commission overlook or fail to consider a point of fact or law regarding whether its rates may discourage competition and did not establish fair and reasonable rates?

RECOMMENDATION: No. Staff recommends that the Commission find that it did not overlook or fail to consider any point of fact or law in rendering its decision regarding the rates established in this proceeding.

**APPROVED**

ISSUE 11: Should the Commission acknowledge AT&T Communications of the Southern States, LLC (AT&T) and WorldCom, Inc., MCI WorldCom Communications, Inc., MCImetro Access Transmission Services LLC and Intermedia Communications, Inc. (collectively "WorldCom") withdrawal of their Motion for Reconsideration of Order No. PSC-02-1574-FOF-TP, filed December 2, 2002?

RECOMMENDATION: Yes. Staff recommends that the Commission should acknowledge the withdrawal of AT&T and WorldCom's Motion for Reconsideration of Order No. PSC-02-1572-FOF-TP.

**APPROVED**

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ISSUE 12: Should this docket be closed?

RECOMMENDATION: Staff recommends that this portion of the docket remain open until the expiration of the appeal period. Should no appeal be taken on the Sprint portion of this docket, staff recommends that staff should be granted administrative authority to close the Sprint portion of this docket. However, staff notes that currently there is an appeal pending on the Verizon portion of this docket, and therefore, this docket should remain open for further proceedings in the Verizon portion.

**APPROVED**