

VOTE SHEET

AUGUST 5, 2003

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

ISSUE 1: Should the Commission entertain oral argument on this matter?

RECOMMENDATION: No. The parties have not requested oral argument. Moreover, staff recommends that the issue before the Commission is fully set forth in the parties' pleadings and additional oral argument is not likely to lend any further clarity to the issue being addressed.


APPROVED

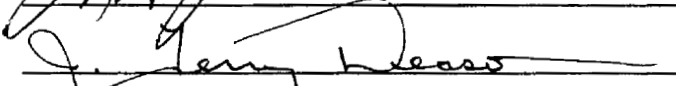
COMMISSIONERS ASSIGNED: Jaber, Deason, Baez, Bradley

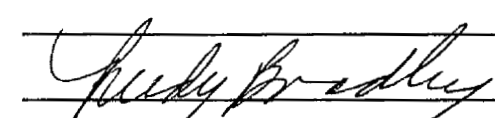
COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING







REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

07112 AUG-5 8

FPSC-COMMISSION CLERK

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(Continued from previous page)

ISSUE 2: During the June 17th Agenda Conference, did the Commission violate either of Sections 286.012 or 350.01(5), Florida Statutes?

RECOMMENDATION: No. Staff recommends that the Commission find that Section 350.051(5), Florida Statutes, permits only those Commissioners who personally participated in the final disposition on the merits to participate in the reconsideration of a motion for reconsideration on the same matter. Staff further recommends the Commission find that since Commissioner Davidson was not eligible to vote pursuant to Section 350.01(5), Florida Statutes, there was no statutory violation of either Section 286.012 or Section 350.01(5), Florida Statutes.

APPROVED

ISSUE 3: Should the Commission, based on FDN and KMC's "suggestion for a new hearing" in its pleading, reconsider its decision and order a new hearing, or upon its own motion, reconsider its decision regarding Zone 1?

RECOMMENDATION: No. Staff recommends that since FDN and KMC's pleading is merely a thinly-veiled, unauthorized motion for reconsideration of a decision on reconsideration, the Commission should deny FDN and KMC's requested relief. Moreover, consistent with staff's recommendation on Issue 2, the Commission should grant in part Sprint's Motion to Strike regarding FDN and KMC's "suggestion for a new hearing."

APPROVED

ISSUE 4: Should this docket be closed?

RECOMMENDATION: Staff recommends that this portion of the docket remain open until the expiration of the appeals 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.

APPROVED