

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 30, 2003

RE: Docket No. 030867-TL - Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.
Docket No. 030868-TL - Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.
Docket No. 030869-TL - Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

ISSUE 1: Should the Commission grant OPC's Motions to Dismiss Verizon's Petition, Sprint's Petition, and BellSouth's Petition for rate rebalancing in Dockets Nos. 030867-TL, 030868-TL, and 030869-TL, respectively?

RECOMMENDATION: Yes. Staff recommends that the Commission find that the petitions fail to state a cause of action upon which relief can be granted since the petitions are facially deficient in that they do not allege facts to support that the rate reductions would be implemented over a period of not less than two years. Therefore, staff recommends that the Commission grant OPC's Motions to Dismiss Verizon's Petition, Sprint's Petition, and BellSouth's Petition for rate rebalancing in Dockets Nos. 030867-TL,

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Wendell M. Davis, [unclear], [unclear], J. Jerry Lewis, Rudy Bradley

REMARKS/DISSENTING COMMENTS:

VOTE SHEET

SEPTEMBER 30, 2003

Docket No. 030867-TL - Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

Docket No. 030868-TL - Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

Docket No. 030869-TL - Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

(Continued from previous page)

030868-TL, and 030869-TL, respectively, without prejudice to refile amended petitions. Further, staff recommends that the Commission find that the 90-day statutory deadline set forth in the statute is reset at Day 1 upon the filing of the amended petitions.

Staff also notes that other options are available for the Commission's consideration as more fully set forth in the Alternative Analysis Section of staff's September 18, 2003 memorandum.

**MODIFIED**

*Staff's recommendation was approved.*

*The companies were granted leave to amend the relevant portions of their petitions within 48 hours. AARP's motion to dismiss was rendered moot by the Commission's decisions. The current dockets will remain open for addressing the amended petitions.*

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No. These dockets should remain open regardless of whether the Commission approves or denies staff's recommendation in Issue 1. If staff's recommendation in Issue 1 is approved, these dockets should remain open to allow Verizon, Sprint, and BellSouth to file amended petitions in conformance with the Commission's decision. Staff also recommends that should the Commission approve staff's recommendation in Issue 1, the procedural schedule should be amended in accordance with the amended petition filing date(s), but the public hearings should continue on the current schedule and discovery should be ongoing. Furthermore, outstanding discovery should still be considered valid or active, to the extent that it does not go directly to the implementation schedule discussed herein.

**MODIFIED**

*Staff's recommendation was approved.*

*Additionally, the hearing dates were changed from 11/4-6 to 12/10-12, staff and intervenor testimony due date was changed to 10/31, rebuttal testimony due date to 11/19, and prehearing statement due date to 11/21. The prehearing officer will consult with staff in setting the prehearing conference and special agenda dates. All other provisions in the OEP affirmed.*

*The fixed-up November dates will be used for additional service hearings.*