

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 6, 2004

RE: Docket No. 030643-TP - Petition of Verizon Florida Inc. (f/k/a GTE Florida Inc.) against Teleport Communications Group, Inc. and TCG South Florida for review of decision by The American Arbitration Association, in accordance with Attachment 1 Section 11.2(a) of interconnection agreement between GTE Florida Inc. and TCG South Florida.

Issue 1: Does the Commission have jurisdiction to review the decision rendered by the AAA pursuant to the AT&T/GTE interconnection agreement adopted by TCG?

Recommendation: Yes. As a general matter, the Commission has jurisdiction to resolve disputes arising under an approved interconnection agreement unless its role is restricted by a binding dispute resolution provision in the agreement. Although staff believes that the Commission has jurisdiction to review the AAA decision in this case pursuant to Section 364.162, Florida Statutes, this conclusion should not be construed broadly and should be limited to the facts presented in this case.

DENIED

The Commissioners decided that:

A) The Commission has jurisdiction to resolve disputes regarding interconnection agreements

B) The Commission recognizes that parties may choose arbitration to resolve disputes re: interconnection agreements, and

C) The Commission does not have jurisdiction to consider appeals of arbitration awards in this particular case.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Pelt
John G. ...
Matthew ...
John ...
Rudy Bradley

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

07331 JUL -6 4

FPSC-COMMISSION CLERK

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Issue 2: Should the Commission agree to hear or review Verizon's petition against TCG?

Recommendation: No. Staff recommends that the Commission should not agree to hear or review this case and should dismiss Verizon's petition on its own motion because it does not present a compelling issue of public policy that the Commission needs to consider.

NO VOTE

Issue 3: Should this docket be closed?

Recommendation: If the Commission denies staff's recommendation in Issue 1 or approves staff's recommendation in Issue 2, this docket should be closed as no further Commission action is required. If, however, the Commission denies staff's recommendation in Issue 2, this docket should remain open pending the resolution of the issues in the docket.

APPROVED