

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

AUGUST 3, 2004

RE: Docket No. 040488-TP - Complaint of BellSouth Telecommunications, Inc. against IDS Telecom LLC to enforce interconnection agreement deposit requirements. (Deferred from July 20, 2004 conference.)

Issue 1: Pursuant to the terms of the Interconnection Agreement, can BellSouth collect a security deposit from IDS? If so, what is the appropriate amount?

Recommendation: Yes. Under the terms of the Interconnection Agreement, BellSouth is entitled to collect a security deposit from IDS; however, the amount BellSouth is requesting is inappropriate. Therefore, as an interim measure, subject to true-up, IDS should place \$2 million in an escrow account within 7 calendar days of the Commission's vote on this item until a final deposit amount can be determined by this Commission, or negotiated by the parties. IDS should provide the Commission with proof that the escrow account has been established within the designated time frame. If IDS does not establish an escrow account as per this Commission's vote, then BellSouth should be allowed to enforce the deposit provisions of the Interconnection Agreement.

MODIFIED

Under terms agreed to at the conference, IDS will be required to pay \$1 million initially to BellSouth, followed by payments of \$200,000 ^{per month} until \$2 million has been paid; IDS may then continue paying \$200,000 per month to BellSouth until \$1.9 million more has been paid, or present a corporate guarantee for the remaining \$1.9 million (or balance thereof). Deposit subject to refund with interest.

COMMISSIONERS ASSIGNED: All Commissioners

\$1 mn due 10 days after order; additional payments due

COMMISSIONERS' SIGNATURES

MAJORITY

Chad M. Dore
John Jones
Matthew...
J. Jerry...
Gud...

DISSENTING

on 10th of each month. Default if not paid by 25th of each month.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

08409 AUG-3 3

VOTE SHEET

AUGUST 3, 2004

Docket No. 040488-TP - Complaint of BellSouth Telecommunications, Inc. against IDS Telecom LLC to enforce interconnection agreement deposit requirements. (Deferred from July 20, 2004 conference.)

(Continued from previous page)

Issue 2: Should the Commission grant the IDS Counterclaim?

Recommendation: No. The Commission should not grant the IDS Counterclaim. Staff does not believe that the language IDS seeks to adopt in Docket No. 040611-TP has retroactive application, and thus, has no direct impact on the current dispute addressed herein. Staff believes the language in place on the date the Petitioner brought forth this matter is the only language this Commission should consider.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: No. **This docket** should remain open until a final deposit amount is determined or pending further proceedings.

APPROVED