

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 21, 2004

RE: Docket No. 040527-TP - Complaint to enforce interconnection agreement with NuVox Communications, Inc. by BellSouth Telecommunications, Inc. (Deferred from September 7, 2004 conference.)

Issue 1: Should the Commission grant NuVox's Motion to Dismiss BellSouth's Complaint?

Recommendation: No. Staff recommends that NuVox's Motion to Dismiss be denied.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Rind

Marilyn...

J. James Dear...

Chudy Bradley

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10175 SEP 21 04

FPSC-COMMISSION CLERK

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Issue 2: Should this Docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1, this Docket should be held in abeyance for a period of 30 days from the issuance of the order resulting from this recommendation and the parties should be directed to enter staff-assisted discussions to attempt to resolve outstanding issues. If at the conclusion of the 30-day period such discussions are unsuccessful, this matter should be set for hearing.

APPROVED