

VOTE SHEET

JANUARY 18, 2005

RE: Docket No. 040601-TP - Petition by DIECA Communications, Inc. d/b/a Covad Communications Company for arbitration of issue resulting from interconnection negotiations with BellSouth Telecommunications, Inc., and request for expedited processing.

Issue 1: Should Covad's Request for Oral Argument be granted?

Recommendation: No. The Request for Oral Argument should be denied.

APPROVED

Issue 2: Should BellSouth's Motion for Reconsideration be granted?

Recommendation: No. BellSouth has not demonstrated that when addressing the stipulated legal issue put forth by the parties in this docket, the Commission overlooked a point of fact or law in rendering Order No. PSC-04-1044-FOF-TP.

APPROVED

COMMISSIONERS ASSIGNED: Baez, Deason, Bradley, Davidson

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures of majority commissioners: Judy Bradley, Martin, and Jerry Deason]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

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Issue 3: Should BellSouth's Motion for Clarification be granted?

Recommendation: Yes. The Commission should clarify that the decision reached in Order No. PSC-04-1044-FOF-TP did not result from an agreement by the parties. Additionally, the Commission should clarify that it did not make an affirmative finding that there is an existing Section 271 line sharing obligation.

APPROVED

Issue 4: Should Covad's Cross-Motion for Reconsideration be granted?

Recommendation: No. Covad has not demonstrated that when addressing the stipulated legal issue put forth by the parties in this docket, the Commission overlooked a point of fact or law in rendering Order No. PSC-04-1044-FOF-TP.

APPROVED

Issue 5: Should this docket be closed?

Recommendation: No. This docket should remain open to address the remaining open issues, currently held in abeyance pursuant to Order No. PSC-04-0833-PCO-TP. Staff will work with the parties to discuss how the docket should proceed and bring a recommendation to the Prehearing Officer.

APPROVED