

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 1, 2005

RE: Docket No. 050581-TP - Complaint of KMC Telecom III LLC and KMC Telecom V, Inc. against Sprint-Florida, Incorporated and Sprint Communications Company Limited Partnership for alleged failure to pay intrastate access charges pursuant to interconnection agreement and Sprint's tariffs, and for alleged violation of Section 364.16(3)(a), F.S.

Issue 1: Should the Commission grant Sprint-FL's Motion to Dismiss Count IV, Violation of Confidential Settlement and Release Agreement, of KMC's Complaint?

Recommendation: Yes. Staff recommends that Sprint-FL's Motion to Dismiss Count IV of KMC's Complaint be granted to the extent Count IV seeks relief for alleged violation of the Confidential Settlement and Release Agreement (Settlement Agreement), over which this Commission lacks subject matter jurisdiction.

MODIFIED

The Commissioners approved Issue 1 as modified orally by staff.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

[Empty lines in dissenting column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10580 NOV-1 05

FPSC-COMMISSION CLERK

VOTE SHEET

NOVEMBER 1, 2005

Docket No. 050581-TP - Complaint of KMC Telecom III LLC and KMC Telecom V, Inc. against Sprint-Florida, Incorporated and Sprint Communications Company Limited Partnership for alleged failure to pay intrastate access charges pursuant to interconnection agreement and Sprint's tariffs, and for alleged violation of Section 364.16(3)(a), F.S.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending resolution of the remainder of the issues contained therein.

APPROVED