

VOTE SHEET

March 7, 2006

Docket No. 041144-TP – Complaint against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for alleged failure to pay intrastate access charges pursuant to its interconnection agreement and Sprint's tariffs and for alleged violation of Section 364.16(3)(a), F.S., by Sprint-Florida, Incorporated.

Issue 1: Should the Commission grant KMC's Request for Oral Argument?

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

DEFERRED

Issue 2: Should the Commission grant the Motion for Reconsideration filed by KMC?

Recommendation: KMC's Motion for Reconsideration should be denied. It does not identify a material mistake of fact or law made in rendering the Commission's decision.

COMMISSIONERS ASSIGNED: Deason

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01962 MAR-7 06

FPSC-COMMISSION CLERK

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Issue 3: Should the Commission grant the Cross-Motion for Reconsideration filed by Sprint?

Recommendation: The Cross-Motion for Reconsideration should be granted in part and denied in part. Sprint identified a mistake of fact or law in the Commission's decision on Issue 6; however, such mistake is not sufficient to warrant a different finding for the issue. Sprint has also identified a mistake of fact or law in the Commission's decisions on Issues 8 and 10. Reconsideration on these issues should be granted in part. Sprint's methodology for calculation of the amount owed by KMC should be accepted, subject to the adjustments specified in Order No. PSC-05-1234-FOF-TP, issued December 19, 2005. Accordingly, the previously ordered audit would be unnecessary. Sprint should revise its calculations to reflect the adjustments and file them with this Commission within 30 days of the issuance of the reconsideration order.

Issue 4: Should this docket be closed?

Recommendation: No. If the Commission accepts staff's above recommendations, the Docket should remain open pending Commission approval of the revised figures to be submitted by Sprint.