

VOTE SHEET

April 4, 2006

Docket No. 020507-TL – Complaint of Florida Competitive Carriers Association against BellSouth Telecommunications, Inc. regarding BellSouth's practice of refusing to provide FastAccess Internet Service to customers who receive voice service from a competitive voice provider, and request for expedited relief.

**Issue 1:** Should the Commission grant BellSouth's Motion to Close Docket?

**Recommendation:** Yes. In light of the decisions by the FCC and United States District Court, Northern District of Florida, staff recommends the Commission grant BellSouth's Motion to Close Docket and dismiss FCCA's Complaint. The FCC has held that a state commission may not require ILECs to make available Internet service to CLEC voice service customers because it is inconsistent with the Telecommunications Act and FCC regulations. Accordingly, staff believes the Commission cannot grant the relief requested by FCCA in its Complaint.

**APPROVED**

COMMISSIONERS ASSIGNED: ~~All Commissioners~~ *Deason*

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*J. Terry Deason*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03030 APR -4 06

FPSC-COMMISSION CLERK

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**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

**APPROVED**