

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DATE: APRIL 1, 1997

RE: DOCKET NO. 961153-TL - Petition for numbering plan area relief for 904 area code by BellSouth Telecommunications, Inc.

Issue A: Should the Commission reopen the record, for the purpose of considering the letters from NANC, Bellcore, and the FCC concerning the Commission's decision to use two new area codes in its relief plan?

Recommendation: Yes. The Commission should reopen the record for the limited purpose of considering the letters from NANC, Bellcore, and the Federal Communications Commission (FCC) concerning the Commission's decision to use two new area codes in its relief plan. The Commission should defer its reconsideration decision until the letters can be properly addressed. The Commission should provide parties of record the opportunity to conduct limited discovery, conduct a limited hearing on April 16, 1997 to provide parties the opportunity to conduct cross-examination and present evidence on the letters, and provide argument on the letters. At the conclusion of the hearing, the Commission should make a bench decision on the motion for reconsideration.

APPROVED

Commissioners Deason and Kiesel dissent.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures of majority commissioners]

[Handwritten signatures of dissenting commissioners]

REMARKS/DISSENTING COMMENTS:

PSC/RAR33 (5/90)

*Commissioners Deason and Kiesel
dissented from the majority
decision in Issue A.*

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Issue 1: Should the Commission grant the request of ALLTEL Florida, Inc., and Northeast Florida Telephone Co., Inc., for oral argument on their joint motion for reconsideration of Order No. PSC-97-0138-POF-TL?

Recommendation: No. The Commission should deny the request for oral argument, because oral argument is unlikely to aid the Commission's comprehension and evaluation of the issues before it.

Consideration of Issues 1-4 will be deferred until the 4/16/97 hearing.

Issue 2: Should the Commission grant the request of the City of Jacksonville for oral argument on its petition in support of and motion for leave to participate in ALLTEL Florida, Inc.'s and Northeast Florida Telephone Co.'s joint motion for reconsideration of Order No. PSC-97-0138-POF-TL?

Recommendation: No. The Commission should deny the City of Jacksonville's request for oral argument.

Issue 3: Should the Commission grant the motion of the City of Jacksonville for leave to participate in ALLTEL Florida, Inc.'s and Northeast Florida Telephone Co.'s joint motion for reconsideration of Order No. PSC-97-0138-POF-TL and consider its petition in support of ALLTEL Florida, Inc.'s and Northeast Florida Telephone Co.'s joint motion for reconsideration?

Recommendation: No. The Commission should deny Jacksonville's motions.

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Issue 4: Should the Commission grant the joint motion of ALLTEL Florida, Inc., and Northeast Florida Telephone Co., Inc., for reconsideration of Order No. PSC-97-0138-FOF-TL?

Recommendation: No. The motion fails to satisfy the standard for reconsideration enunciated in Diamond Cab Co. of Miami v. King, 146 So.2d 889 (Fla. 1962).

Issue 5: Should this docket be closed?

Recommendation: If the Commission decides to reopen the record and conduct a limited hearing before it considers the motions for reconsideration, the docket should remain open pending completion of the further proceedings. If the Commission decides not to reopen the record, the docket should be closed.

APPROVED

Docket will remain open pursuant to decision in Issue A.