

VOTE SHEET

SEPTEMBER 1, 1998

RE: DOCKET NO. 971140-TP - Motions of AT&T Communications of the Southern States, Inc., and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., to compel BellSouth Telecommunications, Inc. to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc., pursuant to their agreement.

Issue 1: Should the Commission grant the Motion for Extension of Time?  
Recommendation: Yes. Staff recommends that BellSouth be allowed an extension of time to file the interconnection agreement within 14 days of issuance of the Commission's order from this recommendation.

**APPROVED**

Issue 2: Should the Commission grant BellSouth's Motion for Reconsideration of Order PSC-98-0810-FOF-TP?

Recommendation: BellSouth's Motion should be granted, in part, and denied, in part.

The Commission should deny BellSouth's request for reconsideration of its determination that BellSouth's collocation requirement conflicts with the Eighth Circuit Court of Appeals decision in Iowa Utilities Bd. v. FCC, 120 F.3d 753 (8th Cir. 1997). The Commission did not overlook or fail to

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in majority column]*  
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*[Handwritten signature: Garcia]*  
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REMARKS/DISSENTING COMMENTS:

*Commissioner Garcia dissented.*

DOCUMENT NUMBER-DATE  
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consider any point of fact or law that relates to the finding that BellSouth's requirement is in conflict with the Eighth Circuit's decision.

The Commission should also deny BellSouth's request for reconsideration of the discussion in Issue 5. The Commission should, however, grant BellSouth's request for clarification of the discussion in Issue 5 as it relates to the Commission's decision. Clarification of this issue will assist the parties in the negotiation of their written agreements.

Staff also recommends that the Commission delete from the Order the statement that BellSouth claims was incorrectly attributed to BellSouth's witness Alphonso Varner. Staff's review of the record indicates that BellSouth is correct. The statement was incorrectly attributed to witness Varner.

**APPROVED**

Issue 3: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1, the parties should be required to submit their interconnection agreements for approval within 14 days of issuance of the order resolving the request for reconsideration. This docket should remain open pending Commission approval of the agreements in accordance with Section 252 of the Telecommunications Act of 1996.

**APPROVED**