

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 6, 1998

RE: DOCKET NO. 980800-TP - Petition for emergency relief by Supra Telecommunications & Information Systems against BellSouth Telecommunications, Inc., concerning collocation and interconnection agreements.

Issue 1: Should the Commission grant Supra's Request for Oral Argument on its September 2, 1998, Motion to Strike BellSouth's Answer in response to Supra's complaint in this Docket and BellSouth's Motion for Oral Argument on its Motion to Strike Supra's Motion?

Recommendation: Yes. The companies filed their requests for oral argument in accordance with Rule 25-22.058, Florida Administrative Code. Due to the nature of Supra's and BellSouth's Motions to Strike, staff believes that limited oral argument would assist the Commission in its decision. Staff recommends that oral argument be limited to 5 minutes per side.

APPROVED

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signature: Susan Clark]
[Handwritten signature: J. Terry ...]

REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the Commission grant Supra's Motion to File its Response to BellSouth's Motion to Strike Supra's Motion to Strike Out of Time?

Recommendation: No. Supra has not indicated an adequate basis for its untimely response.

APPROVED

Issue 3: How should the Commission dispose of Supra's Motion to Strike BellSouth's Answer for Misconduct and BellSouth's Motion to Strike Supra's Motion to Strike?

Recommendation: Staff recommends that the Commission should grant BellSouth's Motion to Strike Supra's Motion to Strike for Misconduct.

APPROVED

Issue 4: Should the Commission grant BellSouth's request for sanctions, including attorneys' fees and costs?

Recommendation: Yes. Staff recommends that BellSouth's request be granted. As set forth in Issue 3, Supra's Motion to Strike should be stricken. Staff also recommends that Supra be required to pay BellSouth's attorneys' fees and costs associated with responding to Supra's Motion to Strike BellSouth's Answer.

DENIED

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Issue 5: Should this docket be closed?

Recommendation: No. Whether or not the Commission approves staff's recommendations in Issues 1-4, this docket should remain open pending the outcome of the hearing in this docket.

APPROVED