

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 17, 1998

RE: DOCKET NO. 970808-TL - Petition of BellSouth Telecommunications, Inc. to remove interLATA access subsidy received by St. Joseph Telephone & Telegraph Company.

Issue 1: How should the Commission resolve GTC's Motion for Stay, BellSouth's request for a modified stay, and BellSouth's Motion to Hold Subsidy Payments Subject to Refund?

Recommendation: Staff recommends that the Commission should grant GTC's Motion for Stay, deny BellSouth's Request for a Modified Stay, and deny BellSouth's Motion to Hold Subsidy Payments Subject to Refund. Staff recommends that the Commission should require GTC to hold the subsidy payments in an escrow account subject to refund, with interest applied in accordance with Rule 25-4.114(4), Florida Administrative Code, from the date of the Commission's decision on these motions at its Agenda Conference. Order No. PSC-98-1169-FOF-TL should be stayed pending final judicial review. If no Notice of Appeal is timely filed in response to the Commission's order from this recommendation, Order No. PSC-98-1169-FOF-TL should become effective the day after the date for filing a Notice of Appeal.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including names like Susan Clark and J. Terry Dean.

Empty lines in the dissenting column.

DOCUMENT NUMBER - DATE

12947 NOV 18 98

FPSC - RECORDS/REPORTING

REMARKS/DISSENTING COMMENTS:

Commissioner Garcia participated in the Agenda Conference via video teleconference and ~~dissented~~ in the vote. He will sign the vote sheet upon his return to Tallahassee.

agreed

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Issue 2: Should the Commission grant GTC's Motion for Reconsideration?

Recommendation: No. GTC has failed to identify any point of fact or law that the Commission overlooked or failed to consider in rendering Order No. PSC-98-1169-FOF-TL. GTC's motion should, therefore, be denied.

**APPROVED**

Issue 3: How should the Commission resolve BellSouth's and AT&T's Cross-Motions for Reconsideration?

Recommendation: The Commission should deny BellSouth's and AT&T's Cross-Motions for Reconsideration. BellSouth and AT&T have failed to identify any point of fact or law that the Commission overlooked or failed to consider in rendering Order No. PSC-98-1169-FOF-TL. The Cross-Motions for Reconsideration should, therefore, be denied.

**APPROVED**

Issue 4: Should this docket be closed?

Recommendation: The docket should be closed after the time for filing an appeal has run.

**APPROVED**