

VOTE SHEET

JANUARY 5, 1999

RE: DOCKET NO. 981016-TX - Application for certificate to provide alternative local exchange telecommunications service by American Phone Corporation.

DOCKET NO. 981017-TI - Application for certificate to provide interexchange telecommunications service by American Phone Corporation.

Issue 1: Should the Commission grant APC's Motions to Dismiss the Protest Petitions on PAA Orders Nos. PSC-98-1464-FOF-TX and PSC-98-1465-FOF-TI filed by Utilicore?

Recommendation: Yes, the Commission should grant APC's Motions to Dismiss. Utilicore's petitions are insufficient to establish standing in these proceedings and therefore fail to state a cause of action upon which the Commission may grant relief.

**APPROVED**

*Because this item involves two docket types, two separate orders will be issued.*

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the majority column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

00217 JAN-6 89

FPSC-RECORDS/REPORTING

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(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, American Phone Corporation's motion to dismiss is granted. As such, no valid protest to PAA Orders Nos. PSC-98-1464-FOF-TX and PSC-98-1465-FOF-TI will remain and the entire order should be made final and effective as of the date of this Agenda Conference.

**APPROVED**