

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MARCH 16, 1999

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 BellSouth's Motion to Strike Supra's Exceptions/Objections to Staff's Recommendations?

Recommendation: Yes. Rule 28-106.217, Florida Administrative Code, does not contemplate the filing of Exceptions/Objections to Staff's Post-Hearing Recommendation. Staff's recommendation does not constitute a recommended order. BellSouth's Motion to Strike should, therefore, be granted.

**APPROVED**

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the majority column]*  
Susan A. Clark  
J. Jerry Weasler  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03426 MAR 17 99

FPSC-RECORDS/REPORTING

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Issue 2: Should BellSouth's Motion to Strike portions of Supra's Motion for Reconsideration be granted?

Recommendation: Yes. Pursuant to Section 120.569 (2)(h) and Section 120.57(1)(b), Florida Statutes, it is not appropriate to admit documents into the record or to consider evidence unless all parties have been given the opportunity to examine and contest the material. In this instance, such an opportunity has not been provided with regard to the press release referenced in Supra's Motion and attached to Supra's Motion as Attachment A. Therefore, BellSouth's Motion to Strike should be granted.

**APPROVED**

Issue 3: Should Supra's Request for Oral Argument be granted?

Recommendation: No. The matters upon which Supra seeks reconsideration are clearly set forth in the pleadings and the record. Staff does not believe that oral argument would aid the Commission in evaluating Supra's Motion for Reconsideration. Staff recommends that the Request for Oral Argument be denied.

**APPROVED**

Issue 4: Should the Commission grant Supra's Motion for Reconsideration of Order No. PSC-98-0060-FOF-TP?

Recommendation: No. Supra has failed to identify any fact overlooked by the Commission or any point of law upon which the Commission made a mistake in rendering its decision. Supra's Motion should, therefore, be denied.

**APPROVED**

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Issue 5: Should the Commission grant BellSouth's Motion for Reconsideration of Order No. PSC-99-0060-FOF-TP?

Recommendation: No. BellSouth has failed to identify any fact overlooked by the Commission or any point of law upon which the Commission made a mistake in rendering its decision. BellSouth's Motion should, therefore, be denied.

**APPROVED**

Issue 6: Should the Commission grant BellSouth's Motion for Stay Pending Appeal of Order No. PSC-99-0047-FOF-TP ("Priority Order")?

Recommendation: Yes. Staff believes that it would be appropriate and prudent for the Commission to stay Order No. PSC-99-0047-FOF-TP pending the outcome of BellSouth's appeal. Further, staff does not believe a bond or corporate undertaking is necessary at this time.

**APPROVED**

Issue 7: Should this docket be closed?

Recommendation: No. This docket should remain open and be placed in litigation status pending the outcome of BellSouth's appeal.

**APPROVED**