

VOTE SHEET

APRIL 20, 1999

RE: DOCKET NO. 981832=TP - Petition of Supra Telecommunications and Information Systems, Inc. to set aside 2/3/98 order approving resale, interconnection and unbundling agreement with BellSouth Telecommunications, Inc., and to approve agreement actually entered into by parties.

DOCKET NO. 981833-TP - Petition of Supra Telecommunications and Information Systems, Inc. to initiate investigation into unfair practices of BellSouth Telecommunications, Inc. in negotiating agreements with alternative local exchange carriers (ALECs) and in filing such agreements with the Florida Public Service Commission.

Issue 1: Should BellSouth's Motions to Dismiss or, alternatively, to Strike Petitions as a Sham be granted?

Recommendation: No. The Commission on its own motion should dismiss Supra's petitions based on Supra's failure to file a petition on which the Commission may grant relief. The petitions should be dismissed with leave for the parties to file a corrected copy of the agreement for approval or a request for arbitration on the changed portions of the contract that remain in dispute. If the Commission agrees that the petitions fail to request relief which this Commission has authority to grant, the pending motions are moot. If the Commission does not so agree, BellSouth's Motions to Dismiss should be denied as untimely filed and the Alternative Motion to Strike should be denied because parts of the pleadings are true.

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Stay to advise

DOCUMENT NUMBER-DATE

05058 APR 21 89

VOÏE SHEET

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Issue 2: Should these dockets be closed?

Recommendation: Yes, if the Commission agrees that the petitions fail to request relief which this Commission has authority to grant.