

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 5, 1999

RE: DOCKET NO. 981008-TP - Request for arbitration concerning complaint of American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. against BellSouth Telecommunications, Inc. regarding reciprocal compensation for traffic terminated to internet service providers.

Issue 1: Should BellSouth's Motion for Stay Pending Appeal be granted?
Recommendation: Yes. The Commission should grant BellSouth's Motion for Stay of the final portions of Order No. PSC-99-0658-FOF-TP and should stay any further proceedings regarding BellSouth's protest of the proposed agency action portions of that Order pending the outcome of BellSouth's appeal. The Commission should, however, require BellSouth to maintain the amount at issue in escrow. The escrow account that BellSouth indicates it is already maintaining may be considered sufficient if BellSouth submits a report outlining the precise arrangements of the escrow that it has indicated it is already maintaining to cover the amount at issue.

COMMISSIONERS ASSIGNED: JN JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Staff to advise

DOCUMENT NUMBER-DATE

12103 OCT-6 99

FPSC-RECORDS/REPORTING

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Furthermore, interest should be applied to the amount in escrow in accordance with Rule 25-4.114(4), Florida Administrative Code, from the date of the Commission's decision on the Motion for Stay at its Agenda Conference.

DEFERRED

Issue 2: Should this Docket be closed?

Recommendation: No. This Docket should remain open and should be placed on monitor status pending resolution of BellSouth's appeal of Order No. PSC-99-0658-FOF-TP.