

VOTE SHEET

JULY 11, 2000

RE: DOCKET NO. 000733-TL - Investigation to determine whether BellSouth Telecommunications, Inc.'s tariff filing to restructure its late payment charge is in violation of Section 364.051, F.S.

Issue 1: Should the Commission find that BST's GST filing of July 9, 1999, to restructure its late payment penalties is in violation of Section 364.051(6)(a), Florida Statutes?

Recommendation: Yes. The Commission should find that BST's GST filing of July 9, 1999, to restructure its late payment penalties is in violation of Section 364.051(6)(a), Florida Statutes, and should therefore be canceled immediately. Also, the Commission should require BST to provide refunds to all affected customers within 90 days of issuance of the Consummating Order. Further, staff recommends that BST should file a report with the Commission upon completion of this refund showing monies that were collected from and refunded to customers.

**APPROVED** with modification that this is issued as PAA. The tariff is deemed invalid but will remain in effect for 30 days to allow the company to file a new tariff consistent with the Commission's decision or to request a hearing with the understanding that refunds will be done if deemed appropriate.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in majority column]*

*[Empty lines for dissenting signatures]*

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

08408 JUL 128

FPSC-RECORDS/REPORTING

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Issue 2: Should this docket be closed?

Recommendation: No. If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final upon issuance of a Consummating Order. If a timely protest is not filed, the docket should remain open pending completion by BellSouth of the refund within 90 days of issuance of the Consummating Order. Upon notification that the refund has been completed, this docket should be closed administratively. If a timely protest is filed, the tariff should remain in effect pending the outcome of further proceedings, with any revenues collected held subject to refund.

**APPROVED**