

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 26, 2000

RE: DOCKET NO. 980119-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief.

Issue 1: Should Supra's Motion for Oral Argument be granted?

Recommendation: As set forth in Issue 4 of this recommendation, staff believes Supra's response to BellSouth's Motion was untimely; thus, staff believes that Supra's request for oral argument was also untimely. Staff recommends, therefore, that the Motion for Oral Argument be denied.

APPROVED

COMMISSIONERS ASSIGNED: DS JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

J. Jerry Deane

REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the Commission grant Supra's Motion to Strike BellSouth's reply to Supra's Answer and Opposition to BellSouth's Motion for Reconsideration?

Recommendation: Yes. Neither the Uniform Rules nor Commission rules contemplate a reply to a response to a Motion. Therefore, the Motion to Strike should be granted.

APPROVED

Issue 3: Should the Commission grant Supra's Motion to Strike BellSouth's Motion for Reconsideration?

Recommendation: No. Although improperly styled as a Motion for Reconsideration, BellSouth's Motion does not seek reconsideration of any specific Commission Order, but instead asks that the record of this case be reopened to address changed circumstances. Thus, the Motion should be accepted.

APPROVED

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Issue 4: Should the Commission grant BellSouth's Motion for Reconsideration?

Recommendation: Staff recommends that BellSouth's request to reopen the record of this case be granted. Staff also recommends that the Commission postpone any hearing on whether or not BellSouth's OSS provides on-line edit checking capability until the third-party OSS testing is completed in order to avoid duplicative proceedings. Once that testing is done, staff recommends that the information and determinations made in that proceeding be employed in this Docket to the fullest extent possible. Once third-party OSS testing is completed, staff would prepare a recommendation for the Commission's consideration addressing whether the third-party testing of BellSouth's OSS has resolved the issue in dispute, or whether the Commission should proceed to a hearing in this Docket to address any unresolved matters, including the issue of whether BellSouth timely complied with the Commission's post-hearing orders.

Staff also recommends that Supra's response to the Motion not be accepted, as it was untimely filed and no request for leave to accept the untimely response was submitted.

APPROVED

Issue 5: Should this Docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issues 3 and 4, this Docket should remain open pending the outcome of the third-party OSS testing being conducted in Dockets Nos. 960786-TL and 981834-TP. Thereafter, the Commission should determine whether it is necessary to proceed to hearing on the additional issue of BellSouth's timely compliance with the requirements of Orders Nos. PSC-98-1001-FOF-TP and PSC-98-1467-FOF-TP.

APPROVED