

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 24, 2001

RE: DOCKET NO. 010650-TX - Petition for declaratory statement by Level 3 Communications, LLC, that collocation revenues reported by Level 3 should not be included as "gross operating revenues derived from intrastate business" as contemplated by Rule 25-4.0161, F.A.C., and Sections 350.113(3)(b) and 364.336, F.S., for purposes of calculating regulatory assessment fee for calendar year 1999.

ISSUE 1: Should the Commission issue a declaratory statement that Level 3 is not required to pay regulatory assessment fees on the revenues it receives from collocation in its Florida facilities?

RECOMMENDATION: No. The Commission should issue a declaratory statement that Level 3 is required to pay regulatory assessment fees on the revenues it receives from collocation in its Florida facilities.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Michael A. Paladino*  
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REMARKS/DISSENTING COMMENTS:

*Commissioner Faber  
dissented.*

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission votes to dispose of the petition for declaratory statement, the docket should be closed.

**APPROVED**