

VOTE SHEET

MAY 21, 2002

RE: Docket No. 020129-TP - Joint petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement tariff filed by BellSouth Telecommunications, Inc. (Deferred from April 23, 2002 conference; revised recommendation filed.)

ISSUE 1: Should the Commission grant the Joint Petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications requesting suspension of proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc. and requesting a formal administrative hearing at this time?

RECOMMENDATION: No. Staff recommends that the Commission deny the Joint Petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications requesting suspension of the proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc. and requesting a formal administrative hearing. Staff believes that the CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc.,

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Rudy Bradley, [unclear], [unclear], J. Terry Deaso, Michael A. Palerch.

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE
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violates the price cap provisions of Section 364.163, Florida Statutes, and is therefore invalid as filed. Consequently, the Commission should order that tariff filing T-02-0063 be canceled. If staff's recommendation is approved, a formal administrative hearing is not required on the matter at this time.

*On the Commission's own motion, the docket is set for hearing.*

ISSUE 2: Should this docket be closed?

RECOMMENDATION: 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 the issuance of a Consummating Order and the Docket should be closed. If BST has collected any revenues pursuant to the tariff, and the Commission approves staff's recommendation on Issue 1, then BST should refund with interest any net increase in revenues collected in accordance with the tariff. If a timely protest is filed, the Docket should remain open and the tariff should remain in effect with any net increase in revenues collected in accordance with the tariff held subject to refund pending the outcome of further proceedings. Any net increase in revenues should be calculated on a customer-specific basis.

**DENIED**

*Consistent with the vote in issue 1, the docket is to remain open for the hearing process. Additionally, BellSouth agreed to hold any revenues collected subject to refund.*