

VOTE SHEET

JUNE 18, 2002

RE: Docket No. 020119-TP - Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs and for investigation of BellSouth's promotional pricing and marketing practices, by Florida Digital Network, Inc.

ISSUE 1: Should BellSouth's 2002 Key Customer tariff filing (T-020035) be canceled?

RECOMMENDATION: No. BellSouth's 2002 Key Customer tariff filing (T-020035) should not be canceled.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the majority column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06306 JUN 18 02

FPSC-COMMISSION CLERK

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ISSUE 2: Should any restrictions be placed on BellSouth's marketing practices used for BellSouth's "win-back" promotions?

RECOMMENDATION: Yes. BellSouth should be prohibited from initiating any "win-back" activities to regain a customer for thirty days after the conversion to an Alternate Local Exchange Company (ALEC) is complete. The Commission should also prohibit BellSouth from including any marketing information in its final bill sent to customers who have switched providers, and prohibit BellSouth's wholesale division from sharing information with its retail division, such as informing the retail division when a customer is switching.

**MODIFIED**

*Approved with the exception of the 30-day wait-out period and acknowledgement of BellSouth's voluntary 10-day wait-out period.*

ISSUE 3: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected protests the Commission's PAA decision within 21 days of the issuance of the Order from this recommendation, the Order will become final upon issuance of a Consummating Order.

If, however, a timely protest of the Commission's PAA Order is filed, this matter should be set for hearing to address the issues in dispute. The issues set forth herein should be considered severable, and any issue not specifically protested should be deemed stipulated in accordance with Section 120.80(13)(b), Florida Statutes. The Docket should remain open pending the outcome of the hearing. Pending the resolution of the hearing process, staff believes that BellSouth should be precluded from filing any tariff that extends, mirrors, or builds upon the 2002 Key Customer Tariff provisions addressed in the proceeding until the Commission resolves the matters addressed at hearing. Staff notes that pending the outcome of the hearing there would be no need to address revenues collected under the tariff since the tariff will terminate prior to the anticipated close of the protest period.

**MODIFIED**

*Approved with the exception that BellSouth will not be prohibited from filing a like tariff during the interim in the event a protest is filed.*