

VOTE SHEET

OCTOBER 1, 2002

RE: Docket No. 010098-TP - Petition by Florida Digital Network, Inc. for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc. under the Telecommunications Act of 1996. (Deferred from August 20, 2002 conference; revised recommendation filed.)

ISSUE 1: Should the Motion for Clarification or Reconsideration filed by Florida Digital Network, Inc. be granted?

RECOMMENDATION: No. FDN has not identified a point of fact or law which was overlooked or which the Commission failed to consider in rendering its decision. Therefore, the Motion for Clarification or Reconsideration should be denied.

APPROVED

COMMISSIONERS ASSIGNED: Jaber, Deason, Palecki

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: J. Deason, Michael A. Palecki]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10585 OCT-18

FPSC-COMMISSION CLERK

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ISSUE 2: Should the Motion for Reconsideration or in the Alternative, Clarification filed by BellSouth Telecommunications, Inc. be granted?

RECOMMENDATION: BellSouth has not identified a point of fact or law which was overlooked or which the Commission failed to consider in rendering its decision. Therefore, the motion for reconsideration should be denied.

However, staff believes that the Commission envisioned that BellSouth's migration of its FastAccess Internet Service to an FDN customer would be seamless so that an FDN customer's service would not be altered. Consequently, staff recommends that the Commission clarify that BellSouth's migration of its FastAccess Internet Service to an FDN customer should be a seamless transition for a customer changing to FDN's voice service.

APPROVED *as clarified in discussions.*

ISSUE 3: Should the Motion to Strike filed by BellSouth Telecommunications, Inc. be granted?

RECOMMENDATION: No. The Motion to Strike should be denied.

APPROVED

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ISSUE 4: Should the cross-motion for reconsideration filed by Florida Digital Network Inc. be granted?

RECOMMENDATION: If the Commission approves staff's recommendation on Issue 3, then the cross-motion should be denied. However, if the Commission denies staff on Issue 3, this issue is rendered moot.

APPROVED

ISSUE 5: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation in Issues 1, 2, and 4, the parties should be required to file their final interconnection agreement within 30 days after the issuance of the Order from this recommendation, conforming with Order No. PSC-02-0765-FOF-TP, in accordance with Order No. PSC-02-0884-PCO-TP, Order Granting Extension of Time to File Interconnection Agreement. Thereafter, this Docket should remain open pending approval by the Commission of the filed agreement.

APPROVED