

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 17, 2002

RE: Docket No. 021061-TP - Petition of CNM Networks, Inc. for declaratory statement that CNM's phone-to-phone Internet protocol (IP) telephony is not "telecommunications" and that CNM is not a "telecommunications company" subject to Florida Public Service Commission jurisdiction.

ISSUE 1: Should the Commission grant CNM's requested declaratory statement? RECOMMENDATION: No. In lieu of issuing the requested declaratory statement, the Commission should grant the alternative relief requested in CNM's Petition for Declaratory Statement and open a generic docket to consider the issues raised by CNM's petition and the issue of phone-to-phone IP telephony in general. This docket should be consolidated with the generic docket.

DENIED

The declaratory statement was denied. Additionally, staff was directed to schedule an undocketed staff workshop for the purpose of discussing issues raised in the declaratory statement and at the conference. No generic docket will be opened at this time.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: Judy Bralley, Michael A. Palech, Alan J. ...]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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ISSUE 2: Should the Commission grant CNM's Motion to Dismiss the Petitions for Intervention, or in the Alternative, to Conduct a Generic Proceeding or Rulemaking or to Stay Pending FCC Action?

RECOMMENDATION: The Commission should grant CNM's alternative request to conduct a generic proceeding. The petition/motions for intervention filed by BellSouth, NEFTC, Sprint, ALLTEL, Verizon, Frontier, TDS, FCTA, ITS, Smart City, and AT&T in this docket should be granted. CNM's Motion to Dismiss the Petitions for Intervention and its request to stay this matter pending FCC action should be denied.

MOOT *Due to decision in Issue 1.*

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open and should be consolidated with the generic docket as discussed in Issue 1.

DENIED *The docket is to be closed.*

Additionally: On the Commission's own motion, parties were allowed to participate.