

VOTE SHEET

JANUARY 21, 2003

RE: Docket No. 021252-TP - Petition for expedited review and cancellation or suspension of BellSouth Telecommunications, Inc.'s Key Customer tariff filed 12/16/02, by Florida Digital Network, Inc.

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.

Docket No. 020578-TP - Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs by Florida Competitive Carriers Association.

ISSUE 1: Did BellSouth comply with the tariff notification obligation contained in the BellSouth-FDN interconnection agreement? If not, should Tariff No. T-021241 remain in effect?

RECOMMENDATION: BellSouth substantially complied with the tariff notification obligation contained in the BellSouth-FDN interconnection agreement and, therefore, Tariff No. T-021241 should remain in effect. In the event the Proposed Agency Action resulting from this recommendation is protested, the tariff notification aspect of the instant docket should not be consolidated with Docket Nos. 020119-TP and 020578-TP for purposes of hearing.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Dwyer

Walter B. ...

Mark ...

Tom ...

Ruby Bradley

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

00605 JAN 21 8

VOTE SHEET

JANUARY 21, 2003

Docket No. 021252-TP - Petition for expedited review and cancellation or suspension of BellSouth Telecommunications, Inc.'s Key Customer tariff filed 12/16/02, by Florida Digital Network, Inc.

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.

Docket No. 020578-TP - Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs by Florida Competitive Carriers Association.

(Continued from previous page)

ISSUE 2: Should this docket be consolidated with Docket Nos. 020119-TP and 020578-TP for purposes of hearing on the substantive tariff issues?

RECOMMENDATION: Yes. With the exception of the tariff notification concern addressed in Issue 1, staff recommends that this docket be consolidated with Docket Nos. 020119-TP and 020578-TP for purposes of hearing.

APPROVED

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If no person whose substantial interests are affected protests the Commission's PAA decision on Issue 1 within 21 days of the issuance of the Order from this recommendation, the decision will become final upon issuance of a Consummating Order. If, however, a timely protest of the PAA portion of the Order is filed, the protested issue should be set for a separate hearing.

Whether staff's procedural recommendation in Issue 2 is approved or rejected, the resulting decision will be final agency action. However, in either case, this docket should remain open to address the issues raised by FDN regarding BellSouth's 2003 Key Customer Tariff.

APPROVED