

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

APRIL 15, 2003

RE: Docket No. 030200-TP - Emergency petition of AT&T Communications of the Southern States, LLC d/b/a AT&T d/b/a Lucky Dog Phone Co. d/b/a ACC Business d/b/a SmarTalk d/b/a Unispeaksm Service d/b/a AT&T for cease and desist order and other sanctions against Supra Telecommunications and Information Systems, Inc.

ISSUE 1: Should the Commission grant Supra's Motion to Dismiss AT&T's Emergency Petition Requesting a Cease and Desist Order and Other Sanctions Against Supra filed in Docket No. 030200-TP?

RECOMMENDATION: No. Staff believes that AT&T's Emergency Petition for Relief, when viewed in the light most favorable to AT&T, states a cause of action cognizable under Chapter 364, Florida Statutes, and that AT&T has standing to bring this action. Therefore, the Motion to Dismiss should be denied.

**APPROVED**

COMMISSIONERS ASSIGNED: Deason, Baez, Davidson

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in majority column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03470 APR 15 03

FPSC-100 TELEPHONE CLERK

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ISSUE 2: Should Docket No. 030200-TP be set for an evidentiary hearing?

RECOMMENDATION: Yes. If the recommendation in Issue 1 is approved, Docket No. 030200-TP should be set for an evidentiary hearing.

**APPROVED**

ISSUE 3: Should Docket No. 030200-TP be closed?

RECOMMENDATION: No. If staff's recommendation in Issue 1 is approved, Docket No. 030200-TP should remain open pending final disposition by the Commission.

**APPROVED**