

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

AUGUST 19, 2003

RE: Docket No. 030346-TP - Petition for declaratory statement that NPCR, Inc. d/b/a Nextel Partners, commercial mobile radio service provider in Florida, is not subject to jurisdiction of Florida Public Service Commission for purposes of designation as "eligible telecommunications carrier."

Docket No. 030413-TP - Petition for declaratory statement that ALLTEL Communications, Inc., commercial mobile radio service provider in Florida, is not subject to jurisdiction of Florida Public Service Commission for purposes of designation as "eligible telecommunications carrier." (Deferred from July 15, 2003 conference.)

ISSUE 1: Should the Commission issue a declaratory statement?

RECOMMENDATION: Yes. The petitions satisfy the threshold requirements for a declaratory statement.

APPROVED

Commissioners Jakub and Baez dissented.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Dand
John Pearson
Rudy Bradley

Maury...
...

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

07656 AUG 19 03

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ISSUE 2: Should the Commission issue a declaratory statement that Nextel and ALLTEL are not subject to the jurisdiction of the Commission for purposes of determining eligibility for Eligible Telecommunications Carrier ("ETC") status pursuant to 47 U.S.C. § 214(e)?

PRIMARY RECOMMENDATION: Yes.

APPROVED

Commissioners Faber and Baez dissented.

ALTERNATIVE RECOMMENDATION: No. The Commission should issue a declaratory statement that it has the authority to determine the eligibility of Nextel and ALLTEL for Eligible Telecommunications Carrier ("ETC") status pursuant to 47 U.S.C. s. 214(e).

ISSUE 3: Should these dockets be closed?

RECOMMENDATION: Yes. If the Commission votes to dispose of the petitions for declaratory statement, these dockets should be closed.

APPROVED