

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 30, 2003

RE: Docket No. 021249-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for non-compliance with Commission Order PSC-02-0878-FOF-TP. (Deferred from September 16, 2003 conference.)

ISSUE 1: Should the Motion to Dismiss filed by BellSouth Telecommunications, Inc. be granted on the grounds that the Commission lacks subject matter jurisdiction over allegations made in Supra's Complaint, thus requiring it to relinquish jurisdiction and refrain from any proceedings touching on the subjects set forth in the Complaint?

RECOMMENDATION: BellSouth's Motion to Dismiss should be denied on Issue 1.

**DEFERRED**

COMMISSIONERS ASSIGNED: Baez, Bradley, Davidson

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

09442 OCT-18

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ISSUE 2: Should the Commission dismiss Supra's Complaint on the grounds that the facts in Supra's Complaint fail to state a claim upon which relief can be granted?

RECOMMENDATION: BellSouth's Motion to Dismiss should be denied on Issue 2.

ISSUE 3: Should the Commission dismiss Supra's Complaint because, even if it is legally sufficient to state a claim for relief, that claim is not yet "ripe" for adjudication?

RECOMMENDATION: BellSouth's Motion to Dismiss should be denied on Issue 3.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending further negotiations by the parties and a possible evidentiary hearing on this matter.