

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MARCH 30, 2004

RE: Docket No. 031125-TP - Complaint against BellSouth Telecommunications, Inc. for alleged overbilling and discontinuance of service, and petition for emergency order restoring service, by IDS Telecom LLC.

Issue 1: Should the Commission grant BellSouth Telecommunications, Inc.'s Partial Motion to Dismiss? Recommendation: Staff recommends that BellSouth's Partial Motion to Dismiss IDS's Amended Complaint be granted. Specifically, staff recommends that Count Three (seeking relief for alleged violation of the Settlement Agreement) and Count Five (seeking relief for alleged violation of the Telecommunications Act of 1996) be dismissed for lack of subject matter jurisdiction.

DEFERRED

Issue 2: Should this docket be closed? Recommendation: No. This docket should remain open pending further proceedings.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Five horizontal lines for majority signatures.

Five horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

Commissioner Jaber participated in the conference by telephone. She agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

DOCUMENT NUMBER DATE

04065 MAR 30 3