

FLORIDA PUBLIC SERVICE COMMISSION

2A

VOTE SHEET

APRIL 6, 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. (Deferred from March 30, 2004 conference.)

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.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners:

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04307 APR-6 3

FPSC-COMMISSION CLERK

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Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending further proceedings.

APPROVED