

VOTE SHEET

JUNE 1, 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's Motion for Leave to Amend Answer to Assert Counterclaim?

Recommendation: Yes. Staff recommends that BellSouth be granted Leave to Amend its Answer in part. Specifically, BellSouth should be allowed to proceed on Counts I (DUF charges) and II (Market-based Rates) of its Counterclaim. BellSouth should not be allowed to Amend its Answer to include Counts III (Escrow account) and IV (Deposit) of its Counterclaim.

APPROVED

Acknowledging the withdrawal of Count IV by BellSouth, thus making Count IV moot.

COMMISSIONERS ASSIGNED: Deason, Jaber, Davidson

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: J. Henry Deason, Jaber, Davidson]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06152 JUN-1 04

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Issue 2: Should this docket be closed?

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

APPROVED