

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JUNE 29, 2004

RE: Docket No. 030301-TP - Petition by Mpower Communications Corp. and Florida Digital Network, Inc. for expedited temporary and permanent relief against BellSouth Telecommunications, Inc. for alleged anticompetitive conduct regarding Florida Digital Network Inc.'s proposed acquisition of assets and customer base of Mpower Communications Corp.

Issue 1: Should the Commission acknowledge Mpower and FDN's Notice of Voluntary Withdrawal of their petition and close this docket?

Recommendation: Yes. The Commission should acknowledge Mpower and FDN's Notice of Voluntary Withdrawal of their Petition and close this docket. In addition, the Commission should find that the voluntary withdrawal renders any and all outstanding motions moot, and all confidential materials in this Docket should be returned to the filing party. Since no further Commission action is necessary, staff recommends that this docket be closed.

APPROVED

COMMISSIONERS ASSIGNED: Deason, Bradley, Davidson

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

W. P. Davis
J. Terry Deason
M. Bradley

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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