

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 5, 2004

RE: Docket No. 040601-TP - Petition by DIECA Communications, Inc. d/b/a Covad Communications Company for arbitration of issue resulting from interconnection negotiations with BellSouth Telecommunications, Inc., and request for expedited processing.

Issue 1: Is BellSouth obligated to provide Covad access to line sharing after October 2004?

Recommendation: No. BellSouth is not obligated to provide access to line sharing after October 2004. Staff believes line sharing does not meet the definition of a loop and therefore does not fall under the requirements of section 271(c)(2)(B)(iv) of the Telecommunications Act.

* Motion to deny Staff on Issue 1 and allow the current agreement to remain in effect through December 19, 2004, recognizing that a "true-up" may be necessary if the FCC negates the 271 obligation.

DENIED

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open to address the remaining open issues.

APPROVED

* Additionally, the Commissioners denied Covad's request for official recognition of Order PSC-02-1304-FDF-TL; granted BellSouth's request for official recognition of the FCC's Brief; and allowed oral argument COMMISSIONERS ASSIGNED: All Commissioners by the parties.

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Charles M. Dard, [unclear], [unclear], J. Terry Deason, Rudy Bradley.

Handwritten signature of dissenting commissioner: J. Terry Deason.

REMARKS/DISSENTING COMMENTS:

* Commissioner Deason dissented on Issue 1. DOCUMENT NUMBER-DATE 10697 OCT-5 04