

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 5, 2004

RE: Docket No. 040301-TP - Petition by Supra Telecommunications and Information Systems, Inc. for arbitration with BellSouth Telecommunications, Inc.

Issue 1: Should the Commission grant BellSouth Telecommunications, Inc.'s (BellSouth's) Motion to Dismiss Supra Telecommunications & Information Systems, Inc.'s (Supra's) Amended Petition for failure to state a cause of action upon which relief can be granted?

Recommendation: No. Taking all material allegations in Supra's First Amended Petition as facially correct, Supra has stated a cause of action upon which relief can be granted. In addition, staff recommends that this proceeding remain a two-party complaint proceeding and not be taken up in a generic docket.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the Majority column]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10698 OCT-5 04

FPSC-COMMISSION CLERK

VOTE SHEET

OCTOBER 5, 2004

Docket No. 040301-TP - Petition by Supra Telecommunications and Information Systems, Inc. for arbitration with BellSouth Telecommunications, Inc.

(Continued from previous page)

Issue 2: Should Supra Telecommunications & Information Systems, Inc.'s (Supra) Motion for Partial Summary Final Order be granted?

Recommendation: No. Supra's Motion for Partial Final Summary Order should be denied because there is an issue of fact whether the current rate listed in the parties' agreement covers a "hot cut" for a UNE-P to UNE-L conversion.

**APPROVED**

Issue 3: Should this docket be closed?

Recommendation: If the Commission denies BellSouth's Motion to Dismiss in Issue 1, then the docket should remain open to determine the merit(s) of Supra's First Amended Petition. However, if the Commission grants BellSouth's Motion to Dismiss in Issue 1, then the docket should be closed because no further action by the Commission is necessary.

**APPROVED**