

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 18, 2005

RE: Docket No. 040301-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc.

Docket No. 041338-TP - Joint petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine; Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch; DIECA Communications, Inc. d/b/a Covad Communications Company; Florida Digital Network, Inc.; LecStar Telecom, Inc.; MCI Communications, Inc.; and Network Telephone Corporation ("Joint CLECs") for generic proceeding to set rates, terms, and conditions for hot cuts and batch hot cuts for UNE-P to UNE-L conversions and for retail to UNE-L conversions in BellSouth Telecommunications, Inc. service area.

Issue 1: Should BellSouth Telecommunications, Inc.'s Emergency Motion For Continuance be granted to the extent that it requests the Commission to consolidate Docket Nos. 040301-TP and 041338-TP?

Recommendation: Yes. Staff recommends consolidating the two dockets due to the fact that both dockets share virtually identical issues of law and fact relating to the rates, terms and conditions for a UNE-P to UNE-L conversion. Further, the consolidation of the dockets will also give the entire CLEC community an opportunity to put forth evidence regarding the UNE-P to UNE-L conversion. Last, administrative efficiency will be gained by consolidating Docket Nos. 040301-TP and 041338-TP.

DEFERRED

This issue was deferred to the 2/1/05 conference

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on a set of four horizontal lines.

Four horizontal lines for dissenting signatures, currently blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

00585 JAN 18 05

FPSC-COMMISSION CLERK

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Issue 2: Should Supra Telecommunications and Information Systems, Inc.'s Motion for Partial Summary Final Order on Issues three and four be granted?

Recommendation: No. A genuine issue of material fact remains as to whether new non-recurring rates should be created that apply for a hot-cut from UNE-P to UNE-L where the lines are served by copper or UDLC, and where they are not served by copper or UDLC.

**APPROVED**

Issue 3: Should Supra Telecommunications and Information Systems, Inc.'s Motion for Reconsideration be granted?

Recommendation: No. Supra's Motion for Reconsideration of Order No. PSC-04-1180-PCO-TP, issued November 30, 2004, should be denied because it fails to identify a point of fact or law that the Prehearing Officer failed to consider in rendering his Order. Supra's arguments have been considered and rejected by the Prehearing Officer. In addition, the arguments have been rendered moot by passage of time.

**APPROVED**

Issue 4: Should these Dockets be closed?

Recommendation: If Issue 1 is approved then these dockets should be consolidated for hearing purposes. However, if Issue 1 is not approved then both dockets should remain open and proceed to hearing.

**DEFERRED** to 2/1/05 conference