

VOTE SHEET

OCTOBER 18, 2005

RE: Docket No. 041144-TP - Complaint against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for alleged failure to pay intrastate access charges pursuant to its interconnection agreement and Sprint's tariffs and for alleged violation of Section 364.16(3)(a), F.S., by Sprint-Florida, Incorporated.

Issue 1: Should KMC's Motion to Dismiss, or alternative request for stay of these proceedings, be granted?

Recommendation: No. The Commission has jurisdiction to address the issues presented in this case and has not been specifically preempted. Staff further recommends that KMC's alternative request that the proceeding be stayed pending the outcome of FCC proceedings be denied.

APPROVED

with understanding staff intends to place docket on agenda ~~at end of~~ ⁱⁿ November; KMC has latitude to renew request for stay, and accompany request with acceptable financial guarantee, and that Sprint can provide its verbal response to the renewed request at the November conference, when

COMMISSIONERS ASSIGNED: Baez, Deason, Bradley

the request is considered

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures of majority commissioners: Bradley, Deason, Baez]

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10093 OCT 18 05

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Issue 2: Should this Docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1, this matter should proceed to consideration of staff's post-hearing recommendation.

APPROVED