

VOTE SHEET

April 4, 2006

Docket No. 060049-TL – Petition by Board of County Commissioners of Broward County for declaratory statement regarding applicability of BellSouth Telecommunications, Inc. tariff provisions to rent and relocation obligations associated with BellSouth switching equipment building ("Maxihut") located at Fort Lauderdale-Hollywood International Airport on property leased by BellSouth from Broward County's Aviation Department.

Issue 1: Should the Commission grant Broward County's Petition for Declaratory Statement?

Recommendation: The Commission should grant Broward County's Petition for Declaratory Statement to the extent that it raises issues appropriate for a declaratory statement. The Commission should declare that, based on the facts set forth in Broward County's petition, Broward County is not required under Section A2.3.9 of BellSouth's tariff to provide rent-free space for the Maxihut and Broward County is not obligated under Section A5.2.2.F.1.e of BellSouth's tariff to pay the costs for relocation of the Maxihut. Broward County's Petition for Declaratory Statement should be denied to the extent that it improperly requests the Commission to direct BellSouth to take certain actions, that it requests an interpretation of statutory provisions, rules, and orders not specifically referenced in the petition, and/or that it requests an interpretation of the Lease Agreement.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

Handwritten signatures of Katrina J. Jew, Liz Edge, and others under the MAJORITY heading.

DISSENTING

Handwritten signature under the DISSENTING heading.

REMARKS/DISSENTING COMMENTS:

Following reconsideration, Comm. Arriaga dissented from the majority decision

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(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes.

APPROVED

On the Commission's own motion, the decision on Item 4 was reconsidered, with parties being given an opportunity to speak.

The Commissioners then approved staff's recommendation, with a dissent by Commissioner Arriaga.