

VOTE SHEET

January 29, 2008

Docket No. 050257-TL – Complaint of BellSouth Telecommunications, Inc. against Miami-Dade County for alleged operation of a telecommunications company in violation of Florida Statutes and Commission rules.

Issue 1: Is Miami-Dade County operating as a telecommunications company at any County-owned airports?

Recommendation: Yes. Pursuant to the definition of a telecommunications company under §364.02(14), Florida Statutes, Miami-Dade County is operating as a telecommunications company at MIA because it is “offering two-way telecommunications service to the public for hire within this state by use of a telecommunications facility.”

APPROVED

Issue 2: If Miami-Dade County is operating as a telecommunications company, is it subject to the jurisdiction of the Commission?

Recommendation: Yes. If the Commission finds that Miami-Dade County is operating as a telecommunications company at MIA, then pursuant to §§364.01(1) and (2), 364.339(1)(a), Florida Statutes, Miami-Dade County’s telecommunication operations are subject to the jurisdiction of the Commission.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Katrina J. McMurrian, Scott J. ...

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

Commissioner Argenziano participated in the conference by telephone. She agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

DOCUMENT NUMBER-DATE

01055 FEB 11 8

FPSC-COMMISSION CLERK

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Issue 3: Is Miami-Dade County's operation and provision of shared tenant services at Miami International Airport by the Miami-Dade Aviation Department exempt from the STS rules pursuant to applicable Florida Statutes and Commission rules?

Recommendation: Yes. Miami-Dade County's provision of shared tenant services at the Miami International Airport is exempt from STS certification pursuant to Rule 25-24.580, F.A.C., Airport Exemption.

APPROVED

Issue 4: Should the Commission require Miami-Dade County to obtain a certificate of public convenience and necessity as an STS provider?

Recommendation: If the Commission approves staff's recommendation in Issue 3, this issue is moot. If the Commission determines that Miami-Dade County is not exempt from the STS rules, the Commission should require Miami-Dade County to obtain a STS certificate.

APPROVED

Issue 5: Should this docket be closed?

Recommendation: Yes, this docket should be closed upon issuance of the final order.

APPROVED