

FLORIDA PUBLIC SERVICE COMMISSION

Item 2

VOTE SHEET

March 2, 2021

FILED 3/2/2021
DOCUMENT NO. 02533-2021
FPSC - COMMISSION CLERK

Docket No. 20200260-TP – Petition for declaratory statement concerning jurisdiction over wireless telecommunications, specifically commercial radio service providers, for the sole purpose of lifeline-only ETC designation, by TruConnect Communications, Inc.

Issue 1: Should the Commission grant TruConnect’s request for hearing on its Petition?

Recommendation: No. TruConnect’s request for hearing on its Petition should be denied. Pursuant to Rule 28-105.003, F.A.C., the Commission should rely on the facts set forth in TruConnect’s petition without taking any position with regard to the validity of the facts. However, the Commission has the discretion, pursuant to Rule 25-22.0021(7), F.A.C., to allow TruConnect to participate informally at the agenda conference.

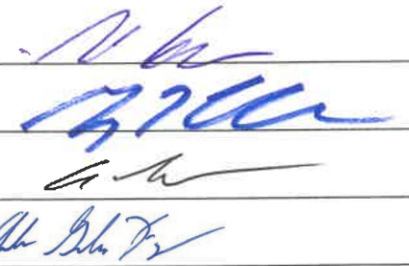
APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING



REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the Commission grant TruConnect’s Petition for Declaratory Statement?

Recommendation: While the Commission should find that TruConnect satisfies the requirements for the issuance of a declaratory statement, it should decline to issue the affirmative declaration requested by TruConnect. Instead, the Commission should issue a declaratory statement that the Commission cannot and will not assert jurisdiction over TruConnect for the sole purpose of Lifeline-only ETC designation because TruConnect is a commercial mobile radio service provider exempted from the Commission’s jurisdiction under Sections 364.011(4), 364.02(13)(c), and 364.10, F.S.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission votes to either grant or deny the Petition for Declaratory Statement, the docket should be closed.

APPROVED