

VOTE SHEET

MARCH 30, 1999

RE: DOCKET NO. 990132-TP - Complaint of AGI Publishing, Inc. d/b/a Valley Yellow Pages against GTE Florida Incorporated for violation of Sections 364.08 and 364.10, Florida Statutes, and request for relief.

Issue 1: Should the Commission grant GTEFL's Motion to Dismiss and deny Valley's Petition for Declaratory Statement?

Recommendation: Yes. The Commission should grant GTEFL's Motion to Dismiss and deny Valley's Petition for Declaratory Statement. The complaint and petition seek relief that is beyond the Commission's jurisdiction to provide. Thus, Valley has failed to state a cause of action upon which relief can be granted. The petition is based upon the same facts alleged in the complaint.

MODIFIED

Petition for declaratory statement was not addressed at conference; will be brought back to a later conference by the Division of Appeals. The remainder of the issue was approved.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04110 MAR 31 99

FPSC-RECORDS/REPORTING

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Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission accepts staff's recommendation in Issue 1, this docket should be closed. The issues contained in the Request for Expedited Treatment, the Request for Prehearing Conference, the responses and oppositions contained in this docket would then be moot.

MODIFIED

Docket will remain open to address petition for declaratory Statement.