

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MAY 4, 1999

RE: DOCKET NO. 981832-TP - Petition of Supra Telecommunications and Information Systems, Inc. to set aside 2/3/98 order approving resale, interconnection and unbundling agreement with BellSouth Telecommunications, Inc., and to approve agreement actually entered into by parties. DOCKET NO. 981833-TP - Petition of Supra Telecommunications and Information Systems, Inc. to initiate investigation into unfair practices of BellSouth Telecommunications, Inc. in negotiating agreements with alternative local exchange carriers (ALECs) and in filing such agreements with the Florida Public Service Commission. (Deferred from the 4/20/99 Commission Conference.)

Issue 1: Should BellSouth's Motions to Dismiss or, alternatively, to Strike Petitions as a Sham be granted?

Recommendation: No. The Commission on its own motion should dismiss Supra's petitions based on Supra's failure to file a petition on which the Commission may grant relief. The petitions should be dismissed with leave for the parties to file a corrected copy of the agreement for approval or a request for arbitration on the changed portions of the contract that remain in dispute. If the Commission agrees that the petitions fail to request

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column: Susan Clark, Joe Garcia, J. Terry Deane, and another signature.

Empty lines in the dissenting column.

REMARKS/DISSENTING COMMENTS:

VOTE SHEET

MAY 4, 1999

DOCKET NO. 981832-TP - Petition of Supra Telecommunications and Information Systems, Inc. to set aside 2/3/98 order approving resale, interconnection and unbundling agreement with BellSouth Telecommunications, Inc., and to approve agreement actually entered into by parties.

DOCKET NO. 981833-TP - Petition of Supra Telecommunications and Information Systems, Inc. to initiate investigation into unfair practices of BellSouth Telecommunications, Inc. in negotiating agreements with alternative local exchange carriers (ALECs) and in filing such agreements with the Florida Public Service Commission.

(Continued from previous page)

relief which this Commission has authority to grant, the pending motions are moot. If the Commission does not so agree, BellSouth's Motions to Dismiss should be denied as untimely filed and the Alternative Motion to Strike should be denied because parts of the pleadings are true.

APPROVED

Issue 2: Should these dockets be closed?

Recommendation: Yes, if the Commission agrees that the petitions fail to request relief which this Commission has authority to grant.

DENIED

Dockets will remain open to settle contract issue.