

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 30, 1999

RE: DOCKET NO. 981008-TP - Request for arbitration concerning complaint of American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. against BellSouth Telecommunications, Inc. regarding reciprocal compensation for traffic terminated to internet service providers. (Deferred from the 11/16/99 Commission Conference.)

Issue 1: Should e.spire's Request for Oral Presentation be granted?

Recommendation: No. Staff recommends that the request be denied. e.spire has not shown that an oral presentation will assist the Commission in any way in rendering its decision on this matter.

DEFERRED

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Staff to advise

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Issue 2: Should BellSouth's Motion for Stay Pending Appeal be granted?

Recommendation: No. The Commission should deny BellSouth's Motion for Stay of the final portions of Order No. PSC-99-0658-FOF-TP and the proposed agency action portions of that Order. BellSouth's Motion for Stay Pending Appeal does not demonstrate that a stay pending appeal is warranted. If the Commission decides to grant the motion, however, it should order BellSouth to hold all monies due to e.spire under the interconnection agreement at issue in escrow, pending the outcome of the appeal.

Issue 3: Should this Docket be closed?

Recommendation: No. This Docket should remain open pending resolution of BellSouth's appeal of Order No. PSC-99-0658-FOF-TP and the Commission's resolution of BellSouth's protest of the proposed agency action portion of that Order.