

VOTE SHEET

APRIL 7, 1998

RE: DOCKET NO. 971194-TP - Petition by Wireless One Network, L.P., d/b/a Cellular One of Southwest Florida for arbitration with Sprint-Florida, Incorporated pursuant to Section 252 of the Telecommunications Act of 1996.

Issue 1: Should the Commission grant Sprint's Request for Oral Argument on the Cross-Motion for Reconsideration?

Recommendation: No. The issues are clearly set forth in the pleadings and in the record. Staff does not believe that oral argument would aid the Commission in evaluating the Cross-Motion for Reconsideration. Staff recommends that Sprint's Request for Oral Argument be denied.

**APPROVED**

COMMISSIONERS ASSIGNED: JN CL GR

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Susan L. Clark*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04026 APR-7 8

FPC-1 (10/19/97) (P)

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Issue 2: Should the Commission grant Wireless One's Motion for Reconsideration?

Recommendation: No. Wireless One has failed to identify any point of fact or law that the Commission overlooked or failed to consider in rendering Order No. PSC-98-0140-FOF-TP. Wireless One's motion should, therefore, be denied.

**APPROVED**

Issue 3: Should the Commission grant Sprint's Cross-Motion for Reconsideration?

Recommendation: No. Sprint has failed to identify any point of fact or law that the Commission overlooked or failed to consider in rendering Order No. PSC-98-0140-FOF-TP. Sprint's cross-motion should, therefore, be denied. Staff recommends, however, that Sprint's request to revise the language to be inserted at Attachment II--Interconnection, D.3 be approved. Staff also recommends that the Commission clarify the language included at page 17 of the Order regarding the LATA-wide additive by removing any reference to other carriers' agreements, including the BellSouth/Vanguard agreement.

**APPROVED**

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Issue 4: Should the Commission grant Wireless One's request for a generic proceeding?

Recommendation: No. Staff believes that Wireless One's request for a generic proceeding is inappropriate within the context of a motion for reconsideration of an arbitration order. Staff recommends, therefore, that Wireless One's request for a generic proceeding regarding the effects of toll charges on wireless carriers' ability to compete be denied without prejudice to refile its request as a separate petition to be addressed in a new docket.

**APPROVED**

Issue 5: Should the Commission grant Sprint's Motion for Stay of portions of the Commission's Final Order On Arbitration, Order No. PSC-98-0140-FOF-TP?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1-4, staff recommends that the Commission grant Sprint's Motion for Stay of Portions of Order No. PSC-98-0140-FOF-TP. Staff recommends that the Commission then direct the parties to amend the agreement filed February 25, 1998, to revise the language for Attachment II -- Interconnection, p.3, within 30 days of the disposition of the Motion for Reconsideration and Cross-Motion for Reconsideration at the Commission's Agenda Conference.

**APPROVED**

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Issue 6: Should this Docket be closed?

Recommendation: No. If the Commission approves staff's recommendations in Issues 1-5, the parties should be required to submit the final amended arbitration agreement for approval within 30 days of the Commission's Agenda Conference. This Docket should remain open pending Commission approval of the final amended arbitration agreement in accordance with Section 252 of the Telecommunications Act of 1996.

**APPROVED**