

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 6, 1998

RE: DOCKET NO. 980119-TP - Complaint of Supra Telecommunications & Information Systems against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief.

Issue 1: Should the Commission grant Supra's Request for Oral Argument on its September 2, 1998, Motion to Dismiss BellSouth's Motion for Reconsideration and Clarification of Order No. PSC-98-1001-FOF-TP and BellSouth's Motion for Oral Argument on its Motion to Strike Supra's Motion?

Recommendation: Yes. The companies filed their requests for oral argument in accordance with Rule 25-22.058, Florida Administrative Code. Due to the nature of Supra's Motion and BellSouth's responsive Motion to Strike, staff believes that limited oral argument would assist the Commission in its decision. Staff recommends that oral argument be limited to 5 minutes per side.

APPROVED

COMMISSIONERS ASSIGNED: DS GR JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including a large signature and a signature that appears to be 'Joe Garcia'.

Empty lines in the dissenting column.

REMARKS/DISSENTING COMMENTS:

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(Continued from previous page)

Issue 2: Should the Commission grant Supra's Motion to File its Response to BellSouth's Motion to Strike Supra's Motion to Dismiss Out of Time?

Recommendation: No. Supra's Motion was not timely filed. This is the second response to a post-hearing motion that Supra has asked leave to file out of time. Because this is the second instance, staff recommends that Supra's Motion be denied.

**APPROVED**

Issue 3: How should the Commission dispose of Supra's Motion to Dismiss BellSouth's Motion for Reconsideration for Misconduct and BellSouth's Motion to Strike Supra's Motion to Dismiss?

Recommendation: Staff recommends that the Commission should grant BellSouth's Motion to Strike Supra's Motion to Dismiss for Misconduct.

**APPROVED**

Issue 4: Should the Commission grant BellSouth's request for sanctions, including attorneys' fees and costs?

Recommendation: Yes. Staff recommends that BellSouth's request be granted. As set forth in Issue 3, Supra's Motion to Dismiss should be stricken. Staff also recommends that Supra be required to pay BellSouth's attorneys' fees and costs associated with responding to Supra's Motion to Dismiss BellSouth's Motion for Reconsideration for Misconduct.

**DENIED**

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(Continued from previous page)

Issue 5: Should the Commission accept Supra's late-filed Response to BellSouth's Motion for Reconsideration and Clarification?

Recommendation: Yes. The Commission should accept and consider Supra's late-filed Response.

**APPROVED**

Issue 6: Should the Commission grant Supra's Request for Oral Argument on its Motion for Reconsideration and its Response to BellSouth's Motion for Reconsideration?

Recommendation: No. The Commission should deny Supra's Request for Oral Argument. 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 Motions for Reconsideration and Clarification. Furthermore, as it applies to Supra's Motion for Reconsideration, Supra's Request for Oral Argument was not filed in accordance with Rule 25-22.058, Florida Administrative Code.

**APPROVED**

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(Continued from previous page)

Issue 7: Should the Commission grant BellSouth's Motion for Reconsideration and Clarification of Order No. PSC-98-1001-FOF-TP?

Recommendation: No. BellSouth has failed to identify any point of fact or law that the Commission overlooked or failed to consider in rendering Order No. PSC-98-1001-FOF-TP. BellSouth's motion should, therefore, be denied. Staff does, however, recommend that the Commission clarify that the edit checking databases used by Supra should apply edits simultaneously in Supra's ordering process as BellSouth's FUEL and Solar databases apply edits simultaneously during BellSouth's ordering process. The Commission should also grant BellSouth's request for clarification regarding the provision of PLATS to Supra. The Order should be clarified to reflect that BellSouth shall provide PLATS to Supra on a per request basis, and may do so subject to a protective agreement between the parties, if necessary.

**APPROVED**

Issue 8: Should the Commission grant Supra's Motion to Take Official Notice of the Record in Docket No. 960786-TL?

Recommendation: No. Pursuant to Section 120.569 (2)(g), Florida Statutes, it is not appropriate to take official recognition unless all parties have been given the opportunity to examine and contest the material.

**APPROVED**

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(Continued from previous page)

Issue 9: Should the Commission grant Supra's Motion for Reconsideration and Clarification of Order No. PSC-98-1001-FOF-TP?

Recommendation: No. Supra has failed to identify any point of fact or law that the Commission overlooked or failed to consider in rendering Order No. PSC-98-1001-FOF-TP. Supra's Motion for Reconsideration should, therefore, be denied. Staff recommends that Supra's request for clarification be granted. The Commission should clarify Order No. PSC-98-1001-FOF-TL to reflect that BellSouth must complete the required modifications to LENS by February 28, 1999. The Commission should also clarify that BellSouth must provide Supra with online edit checking capability by December 31, 1998.

**APPROVED**

Issue 10: Should this docket be closed?

Recommendation: Yes. Whether or not the Commission approves staff's recommendations in Issues 1-9, no further determinations will remain to be made by the Commission. This docket should, therefore, be closed.

**APPROVED**