

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 15, 1998

RE: DOCKET NO. 980800-TP - Petition for emergency relief by Supra Telecommunications & Information Systems against BellSouth Telecommunications, Inc., concerning collocation and interconnection agreements.

Issue 1: Should the Commission grant FCCA's Petition to Intervene on a Limited Basis?

Recommendation: No. The Commission should deny FCCA's Petition. Staff recommends that the Commission acknowledge that FCCA supports NextLink's and e.spire's Joint Petition for Reconsideration, but deny FCCA's Petition to Intervene for being untimely filed.

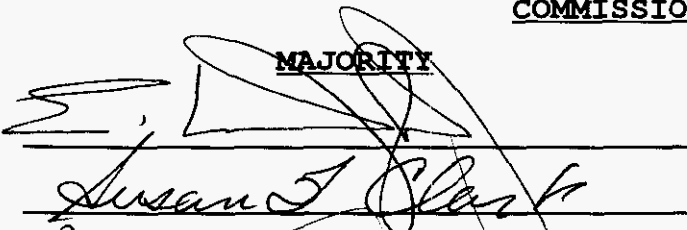
APPROVED

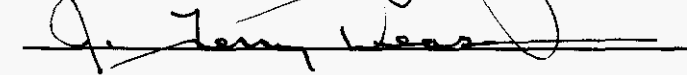
COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING





REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the Commission grant the Requests for Oral Argument filed by BellSouth, e.spire, and NextLink?

Recommendation: No. The issue is 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. Staff recommends that the Requests for Oral Argument be denied.

Oral Argument granted.

DENIED

Issue 3: Should the Commission grant the Motion for Reconsideration of Order No. PSC-98-1417-PCO-TP filed by BellSouth?

Recommendation: No. BellSouth's Motion for Reconsideration should be denied. BellSouth has failed to identify any point of fact that the Commission overlooked, or any conclusion of law upon which the Commission made a mistake in rendering its decision in Order No. PSC-98-1417-PCO-TP. ~~The Commission should clarify that BellSouth is encouraged, but not required, to file petitions for waiver prior to denying space for physical collocation in a central office.~~ The Commission should also clarify that the waivers obtained by BellSouth from the FCC prior to the enactment of the Telecommunications Act of 1996 are no longer sufficient. Thus, staff suggests that the Commission clarify its Order to remove the phrase "a valid waiver" at page 9 of the Order, and replace it with the phrase "seeking a waiver from the state commission in accordance with the requirements of the Act. . . ." Furthermore, the decision on the Motion should be made by the panel assigned to this case, not by the full Commission.

~~**APPROVED**~~
MODIFIED

The Commissioners also clarified that the appropriate procedure for filing a waiver was to file it prior to a request for collocation any determination

on the issue of whether BellSouth should be required to file a petition for waiver before it denies a request for physical collocation, and the appropriate procedure to be followed with respect to the timing of applications for waiver, will be dealt with in the waiver dockets.

(RAE 12/18 note: Vote sheet corrected after review of audiotape.)

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Issue 4: Should the Commission grant the Joint Petition for Reconsideration of Order No. PSC-98-1417-PCO-TP filed by e.spire and NextLink?

Recommendation: No. NextLink and e.spire have failed to identify any fact that the Commission overlooked, or any mistake of law made by the Commission in rendering its decision in Order No. PSC-98-1417-PCO-TP. The Joint Petition for Reconsideration should, therefore, be denied. Staff also believes that the Motion should be addressed by the panel assigned to this case, instead of the full Commission as indicated by the Joint Petitioners.

APPROVED

Issue 5: Should this docket be closed?

Recommendation: This docket should remain open pending issuance of the Commission's final, post-hearing order resolving the substantive issues in this docket.

APPROVED
