

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 7, 2000

RE: DOCKET NO. 001536-TP - Joint petition by Vista-United Telecommunications (holder of LEC Certificate No. 1971 and IXC Certificate No. 2442) and Smart City Telecommunications LLC ("Smart City") for transfer of and name change on Certificate Nos. 1971 and 2442 to Smart City, and for designation of Smart City as the eligible telecommunications carrier within its certificated local exchange territory.

Issue 1: Should the joint petition of Vista and Smart City for the transfer of and name change on LEC Certificate No. 1971 and IXC Certificate No. 2442 to Smart City Telecommunications LLC be approved?

Recommendation: Yes. The Commission should approve as in the public interest the transfer of and name change on Certificate Nos. 1971 and 2442.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

[Empty lines in the dissenting column]

REMARKS/DISSENTING COMMENTS:

VOTE SHEET

NOVEMBER 7, 2000

DOCKET NO. 001536-TP - Joint petition by Vista-United Telecommunications (holder of LEC Certificate No. 1971 and IXC Certificate No. 2442) and Smart City Telecommunications LLC ("Smart City") for transfer of and name change on Certificate Nos. 1971 and 2442 to Smart City, and for designation of Smart City as the eligible telecommunications carrier within its certificated local exchange territory.

(Continued from previous page)

Issue 2a: Should the Commission approve the Carrier Services Agreement between Walt Disney World Co., et al. and Smart City Telecommunications LLC?

Recommendation: The Carrier Services Agreement between Walt Disney World Co., et al. and Smart City Telecommunications LLC is presumed valid and is, therefore, effective, but the Commission makes no finding that the nonbasic rates in the Carrier Services Agreement satisfy the incremental cost standard in Section 364.051(5)(b), Florida Statutes. However due to the manner in which the nonbasic rates were established, staff believes there is a high likelihood that the cost standard is satisfied and on this basis, staff recommends that this action not be revisited absent a challenge.

APPROVED

Issue 2: Should Smart City be designated as an eligible telecommunications carrier?

Recommendation: Yes.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

APPROVED