

FLORIDA PUBLIC SERVICE COMMISSION

4

VOTE SHEET

FEBRUARY 1, 2005

RE: Docket No. 040301-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc.

Docket No. 041338-TP - Joint petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine; Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch; DIECA Communications, Inc. d/b/a Covad Communications Company; Florida Digital Network, Inc.; LecStar Telecom, Inc.; MCI Communications, Inc.; and Network Telephone Corporation ("Joint CLECs") for generic proceeding to set rates, terms, and conditions for hot cuts and batch hot cuts for UNE-P to UNE-L conversions and for retail to UNE-L conversions in BellSouth Telecommunications, Inc. service area. (Issues 1 and 4 deferred from January 18, 2005 conference.)

Issue 1: Should BellSouth Telecommunications, Inc.'s Emergency Motion For Continuance be granted to the extent that it requests the Commission to consolidate Docket Nos. 040301-TP and 041338-TP?

Recommendation: Yes. Staff recommends consolidating the two dockets due to the fact that both dockets share virtually identical issues of law and fact relating to the rates, terms and conditions for a UNE-P to UNE-L conversion. Further, the consolidation of the dockets will also give the entire CLEC community an opportunity to put forth evidence regarding the UNE-P to UNE-L conversion. Last, administrative efficiency will be gained by consolidating Docket Nos. 040301-TP and 041338-TP.

**MODIFIED**

Issues 1 and 2 will be preserved as company-specific issues within the generic hot cuts docket.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures of majority commissioners]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01151 FEB-1 05

FPSC-COMMISSION CLERK

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(Continued from previous page)

Issue 4: Should these Dockets be closed?

Recommendation: If Issue 1 is approved then these dockets should be consolidated for hearing purposes. However, if Issue 1 is not approved then both dockets should remain open and proceed to hearing.

**APPROVED**