

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

January 23, 2007

**Docket No. 060732-TL** – Complaint regarding BellSouth Telecommunications, Inc.'s failure to provide service on request in accordance with Section 364.025(1), F.S., and Rule 25-4.091(1), F.A.C., by Lennar Homes, Inc.

**Issue 1:** What action should the Commission take regarding Lennar’s Complaint against BellSouth Telecommunications, Inc. for failure to provide services in accordance with Section 364.025(1), Florida Statutes?

**Recommendation:** The Commission should require BellSouth to comply with 364.025, Florida Statutes, and provide service to Lennar’s homes at Echo Lake and other similarly situated Lennar developments.

**DEFERRED**

**COMMISSIONERS ASSIGNED:** All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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**Issue 2:** Is BellSouth's letter of engagement in compliance with 364.025, Florida Statutes?

**Recommendation:** No. BellSouth impermissibly conditions its compliance with its COLR obligation with restrictions on the Developer's ability to contract for data and/or video services. Any letter of engagement provided by BellSouth in connection with its COLR obligation should only deal with the provision of basic local telecommunications service. In addition, BellSouth should notify the Commission that the letter has been revised and should provide this revised letter to any Developer that has received previous letters.

**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.