

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 16, 1999

RE: DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

DOCKET NO. 990321-TP - Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

Issue 1: Should the Commission grant Rhythms' and BellSouth's requests for clarification and/or protests of Order No. PSC-99-1744-PAA-TP?

Recommendation: To the extent the motions request clarification of a proposed agency action order, the motions should be denied. Clarification of a proposed agency action order is not recognized under Commission rules, and reconsideration of a proposed agency action order is contrary to Rule 25-22.060(1)(a), Florida Administrative Code. The motions should be considered protests of the PAA Order.

Stipulations have, however, been reached on all issues raised by Rhythms and BellSouth with regard to Order No. PSC-99-1744-PAA-TP, except for issues raised regarding guideline A. Staff supports these stipulations, as set forth in the analysis portion of its November 4, 1999 memoranudm, and recommends that they be approved by the Commission. If staff's recommendation is approved, guidelines C, D, E, as modified by stipulation, will become effective as final agency action.

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan J. Clark

J. James Pearson

REMARKS/DISSENTING COMMENTS:

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Furthermore, the Commission should amend the order to correct a scrivener's error to reflect that all time frames contained therein are calendar days.

Finally, staff recommends that the portions of Order No. PSC-99-1744-PAA-TP that were not protested, guidelines B, F, G, and H, may go into effect by operation of law as final agency action, in accordance with Section 120.80(13)(b), Florida Statutes.

APPROVED

Issue 2: Should these Dockets be closed?

Recommendation: No. These Dockets should remain open pending the outcome of the hearing, which is scheduled for January 12-13, 2000.

APPROVED