

VOTE SHEET

APRIL 4, 2000

RE: DOCKET NO. 971659-TP - Orange County Circuit Court referral of issues in Case No. CI 96-1812 (Wellington Property Management, Inc. and Emerson Communications Corporation vs. Parc Corniche Condominium Association, Inc. and Orange County, Florida) to the Florida Public Service Commission for review and determination of what issues, if any, the Commission has jurisdiction over.

DOCKET NO. 980732-TX - Application for certificate to provide alternative local exchange telecommunications service by Emerson Communications Corporation.

Issue 1: Is Emerson Communications Company or Wellington Property Management, Inc. a "telecommunications company" within the meaning of Section 364.02, Florida Statutes, and thus required to obtain a certificate of necessity in order to continue its current operations?

Recommendation: No. Neither Emerson Communications Company nor Wellington Property Management, Inc. is operating as a telecommunications company within the meaning of Section 364.02, Florida Statutes. Further, Emerson's request to withdraw its application should be granted with a refund of its application fee.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: Letz, Susan Clark, Joe Garcia, J. Jim Dear]

REMARKS/DISSENTING COMMENTS:

Commissioner Clark participated in the conference via telephone. She agreed with/ dissented from the majority vote and will sign the vote sheet upon return to Tallahassee.

DOCUMENT NUMBER-DATE

04200 APR-58

VOICE SHEET

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Issue 2: Who owns the telecommunications lines in the Parc Corniche Condominium?

Recommendation: Emerson Communications Company owns the lines, although Labree Management has control over access.

APPROVED

Issue 3: Should these dockets be closed?

Recommendation: Yes. These docket should be closed if no person whose interests are substantially affected by the proposed action files a protest of the Commission's decision on Issue 2 within the 21-day protest period. If no timely protest of Issue 2 is filed, these dockets may be closed upon the issuance of a consummating order.

APPROVED