

DOCKET NO. 951232-T1

REQUEST TO ESTABLISH DOCKET

Date: OCTOBER 17, 1995

1. Division Name/Staff Name: DIVISION OF LEGAL SERVICES / TRACY HATCH

2. OPR: DIVISION OF LEGAL SERVICES / TRACY HATCH

3. OCR: DIVISION OF COMMUNICATIONS /

4. Suggested Docket Title: CIRCUIT COURT REFERRAL OF CERTAIN ISSUES IN TRANSCALL VS. TSI AND TSI VS. TRANSCALL THAT ARE WITHIN THE COMMISSION'S JURISDICTION

5. Suggested Docket Mailing List (attach separate sheet if necessary)

A. Parties (Provide names of regulated companies or use abbreviation from list below if Parties should include all regulated companies in one or more industries; provide names and addresses of nonregulated companies; provide names, addresses, and affiliation (i.e., attorney, company liaison officer, or customer) of individuals.)

SEE THE ATTACHED LIST OF PARTIES

B. Interested Persons/Companies (Provide names, complete mailing addresses, and affiliation. Use abbreviation from list below if Interested Persons should include all regulated companies in one or more industries.)

REGULATED INDUSTRIES

Investor-Owned Electric	(EI)	Water Utilities	(WU)
Electric Cooperatives	(EC)	Local Exchange Telephone Cos.	(LT)
Municipal Electrics	(EM)	Interexchange Telephone Cos.	(IT)
Gas Utilities	(GU)	Coin-Operated Telephone Cos.	(CT)
Wastewater Utilities	(WU)	Shared Tenant Telephone Cos.	(ST)
		Alternate Access Vendors	(TA)

6. Check One:

Documentation attached.

Documentation will be provided with recommendation.

PARTIES OF RECORD FOR DOCKET NO.

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TRANSCALL AMERICA, INC. (TRANSCALL)  
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FLORIDA PUBLIC SERVICE COMMISSION  
DIVISION OF APPEALS

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR DADE  
COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 92-11654 CA 11

TRANSCALL AMERICA, INC., a  
Georgia corporation d/b/a ATC,

Plaintiff/Counter-Defendant,

vs.

TELECOMMUNICATIONS SERVICES,  
INC., a Florida corporation,

Defendant/Counter-Plaintiff/  
Third Party Plaintiff,

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TELECOMMUNICATIONS SERVICES, INC.,  
a Florida corporation,

Counter-Plaintiff/Third Party  
Plaintiff,

vs.

TRANSCALL AMERICA, INC., a  
Georgia corporation and ADVANCED  
TELECOMMUNICATIONS CORP., a  
Delaware corporation,

Counter-Defendant/Third Party  
Defendant.

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ORDER STAYING ACTION AND REFERRING TO THE  
FLORIDA PUBLIC SERVICE COMMISSION

THIS CAUSE came before the Court upon (1) Transcall America, Inc. ("Transcall") and Advanced Telecommunications Corp.'s ("ATC") Motion to Refer and Stay, (2) the Florida Public Service Commission's ("PSC") Motion in Support of Transcall America, Inc.'s Motion to Refer and Stay and upon (3) Transcall and ATC's Motion

to Dismiss or, Alternatively, Strike, Stay, and Refer Fourth Amended Counterclaims and Third Party Claims to the Florida Public Service Commission and the Federal Communications Commission. Upon having heard argument of counsel on February 10, 1995 and upon consideration of the record before the Court, it is,

ORDERED AND ADJUDGED as follows:

1. Transcall and ATC's Motion to Refer and Stay and the PSC's Motion in Support of Transcall's Motion to Refer and Stay are hereby granted. This action is hereby stayed and Transcall's pending Complaint and Telecommunication Services, Inc.'s pending Answer, Affirmative Defenses, Counterclaims and Third Party Claims are hereby referred to the Florida Public Service Commission for review and appropriate proceedings based upon and within the PSC's exclusive jurisdiction as provided by Florida Statute Chapter 364. The stay shall remain in effect until conclusion of the PSC proceedings or further Order of this Court.

2. Transcall and ATC's Motion to Dismiss, or Alternatively Strike, Stay, and Refer Fourth Amended Counterclaims and Third Party Claims to the Florida Public Service Commission and the Federal Communications Commission is moot to the extent it raises issues relating to PSC jurisdiction. However, all other arguments raised by the Motion, and all arguments raised by Transcall and ATC's Motion to Strike Affirmative Defenses, remain pending subject to this stay. The parties are not required to file any further

pleadings or motions with this Court during the pendency of this stay.

DONE AND ORDERED in Chambers at Miami, Dade County, Florida  
this 24<sup>th</sup> day of February, 1995.

W. THOMAS SPENCER

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CIRCUIT COURT JUDGE

Copies furnished to:  
A. EDWARD QUINTON, III, ESQ.  
ELLIOTT MESSER, ESQ.  
DENNIS NOWAK, ESQ.  
RICHARD C. BELLAK, ESQ.