BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 940719-TC
proceedings against VOCAL) ORDER NO. PSC-96-0713-PCO-TC
MOTION, INC. for violation of) ISSUED: May 28, 1996
Rule 25-24.510, F.A.C.,)
Certificate of Public)
Convenience and Necessity)
Required, and Commission Order)
24101.)
_____)

ORDER STAYING PROCEEDINGS

Vocal Motion, Inc. (Vocal Motion) was ordered, by Order No. PSC-94-1184-FOF-TC, issued September 28, 1994, to show cause why it should not be fined for operating as a pay telephone provider without a certificate in violation of Rule 25-24.510, Florida Administrative Code, and charging rates in excess of the rate cap established by Order No. 24101. Vocal Motion responded that it provides mobile cellular telecommunications service and is not subject to the Commission's jurisdiction under Chapter 364, Florida Statutes. By Order No. PSC-95-0630-FOF-TC, issued May 23, 1995, the Commission accepted Vocal Motion's response to the show cause order and the matter was set for hearing. The prehearing conference is scheduled for June 14, 1996 and the hearing is scheduled for June 26, 1996.

By letter dated May 23, 1996, Vocal Motion proposed that this proceeding be stayed pending the outcome of a rulemaking docket (Docket No. 951560-TP) that will address the Commission's jurisdiction over wireless pay telephone providers. Vocal Motion agrees to be bound by the jurisdictional determination in that docket.

Upon consideration, Vocal Motion's proposal is accepted. Vocal Motion will participate in the rulemaking proceeding as it feels appropriate and will be bound in this proceeding by the Commission's jurisdictional determination in the rulemaking docket. By this procedure, the Commission will not be conducting two hearings on the same issue. Therefore, the proceedings in this docket are stayed pending the outcome of the rulemaking proceeding. If a hearing is necessary on other issues in the show cause proceeding, it will be scheduled by a future order after completion of the rulemaking proceeding.

It is, therefore,

ORDERED by Chairman Susan F. Clark, as Prehearing Officer, that the prehearing conference and hearing scheduled in this docket

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are cancelled and this proceeding is stayed pending the outcome of the rulemaking proceeding in Docket 951560-TP.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this __28th_ day of __May_____, _1996_ .

Susan F. Clark

SUSAN F. CLARK, Chairman and
Prehearing Officer

(S E A L)

LMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.