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FILE

January 14, 1997

**BY HAND DELIVERY**

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket No. 950838-TP

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Joint Motion of MFS Communications Company, Inc. and Sprint-Florida, Inc. for Stay of a Portion of the Commission's Order on Petition for Arbitration.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,

  
John P. Fons

Enclosures  
cc: Parties of Record  
utd\838.byo

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In the matter of )  
 )  
MFS COMMUNICATIONS COMPANY, )  
INC. )  
 )  
Petition for Arbitration )  
Pursuant to 47 U.S.C. § 252(b) )  
of Interconnection Rates, )  
Terms, and Conditions with )  
 )  
SPRINT UNITED-CENDEL OF )  
FLORIDA, INC. (also known as )  
CENTRAL TELEPHONE COMPANY OF )  
FLORIDA AND UNITED TELEPHONE )  
COMPANY OF FLORIDA) )  
 )

DOCKET NO. 960838-TP  
Filed: January 14, 1997

**JOINT MOTION OF MFS COMMUNICATIONS  
COMPANY, INC. AND SPRINT-FLORIDA, INC.  
FOR STAY OF A PORTION OF THE COMMISSION'S  
ORDER ON PETITION FOR ARBITRATION**

Pursuant to Rule 25-22.037(2), Florida Administrative Code, MFS Communications Company, Inc. ("MFS") and Sprint-Florida, Inc. ("Sprint")<sup>1</sup>, jointly move the Commission to stay that portion of its Order on Petition for Arbitration, Order No. PSC-96-1532-FOF-TP ("Order"), issued December 16, 1996, requiring the parties to "submit a written agreement memorializing this arbitration decision within 30 days" of the issuance date of the Order, stating as follows:

1. The Commission's Order decided each of the unresolved issues in this proceeding pursuant to 47 U.S.C. §§ 251 and 252.<sup>2</sup>

<sup>1</sup> Effective December 31, 1996, Central Telephone Company of Florida was merged into United Telephone Company of Florida and the surviving company's name was changed to Sprint-Florida, Inc.

<sup>2</sup> The Federal Telecommunications Act of 1996 ("Act").

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As part of its Order, the Commission, pursuant to the terms of Section 252(e)(4) of the Act, directed the parties to submit a written agreement memorializing and implementing the arbitration decision within 30 days of the issuance date of the Order.

2. On December 31, 1996, within the time specified in Rule 25-22.060, Florida Administrative Code, MFS filed its Motion for Reconsideration addressing the Commission's decision on two issues resolved by the Commission's Order, namely, geographic deaveraging of unbundled loop rates and compensation for call transport. On January 10, 1997, Sprint filed its Response to MFS' Motion for Reconsideration in which Sprint voiced its opposition to reconsideration of the issues raised by MFS.

3. In view of the fact that two issues decided by the Commission on arbitration are now subject to reconsideration, the parties request that the requirement to file a written agreement memorializing and implementing the Commission's arbitration decision at this time be deferred pending Commission resolution of MFS' Motion for Reconsideration. Under Section 252(e)(4) of the Act, the Commission has only 30 days after submission of an agreement adopted by arbitration to approve or reject the agreement. It is quite possible that the Commission will not be able to rule on MFS' pending Motion for Reconsideration within 30 days. In the event the Commission were to rule favorably on MFS' Motion for Reconsideration, the parties would again be required to submit a written agreement memorializing the Commission's decision disposing of the issues raised on reconsideration. Rather than

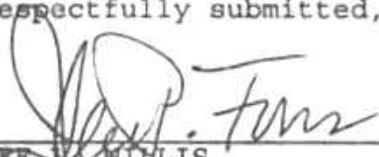
presenting agreements to the Commission on a piecemeal basis, administrative efficiency suggests that the parties provide one written agreement addressing all of the Commission's arbitration decisions.

4. The parties, therefore, request that the written agreement required by the Order be delayed until the Commission disposes of MFS' Motion for Reconsideration. Because the parties to this Motion for Stay are the sole beneficiaries of the Commission's Order, no one will be prejudiced or harmed by the granting of a stay. It is the intention of the parties to submit the required written agreement implementing the Commission's arbitration decision within 30 days after the Commission disposes of MFS' Motion for Reconsideration.


WHEREFORE, having stated valid reasons for staying the provision of the Commission's Order on Arbitration requiring a written agreement until the Commission disposes of MFS' Motion for Reconsideration, the parties respectfully request that the Commission grant the requested stay.

Dated this 14th day of January, 1997.

Respectfully submitted,

  
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ATTORNEYS FOR SPRINT-FLORIDA, INC.

  
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ATTORNEYS FOR MFS COMMUNICATIONS  
COMPANY, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery this 14th day of January, 1997, to the following:

Martha Carter Brown  
Division of Legal Services  
Florida Public Service Comm.  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

  
\_\_\_\_\_  
Attorney