

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Establishment of
intrastate implementation
requirements governing federally
mandated deregulation of local
exchange company payphones.

DOCKET NO. 970281-TL
ORDER NO. PSC-99-0493-FOF-TL
ISSUED: March 9, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER CLOSING DOCKET
AND REINSTATING ORDER NO. PSC-98-1088-FOF-TL

BY THE COMMISSION:

On July 9, 1998, our staff filed a recommendation addressing whether the local exchange companies' (LECs') current tariffs for the basic payphone services and any basic network services and unbundled features satisfy the FCC's requirements, and whether further filings are required, consistent with Section 276 of the Telecommunications Act of 1996. At the July 21, 1998, Agenda Conference, we determined that "[e]xisting incumbent local exchange company tariffs for smart and dumb line payphones services are cost-based, consistent with Section 276 of the Telecommunications Act of 1996, and nondiscriminatory." (Order No. PSC-98-1088-FOF-TL at 6, issued August 11, 1998.)

On September 1, 1998, Florida Public Telecommunications Association (FPTA) filed a petition protesting Proposed Agency Action (PAA) Order No. PSC-98-1088-FOF-TL, requesting that the matter be set for hearing. On December 31, 1998, the FPTA, however, filed a notice of withdrawal of its September 1, 1998, petition.

DOCUMENT NUMBER-DATE

03035 MAR-98

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Accordingly, on January 19, 1999, we approved a staff recommendation to close the docket due to the FPTA's withdrawal of its protest. Our staff's recommendation, however, indicated that the effective date of PAA Order No. PSC-98-1088-FOF-TL, the protested Order, would be September 1, 1998, the date the PAA Order would have become final had it not been protested by the FPTA. The September 1, 1998, effective date was incorrect.

Therefore, by this Order, we seek to close this docket and reinstate Order No. PSC-98-1088-FOF-TL with the correct effective date. In light of the FPTA's December 31, 1998, notice of withdrawal of its petition, there is nothing further for us to address in this docket. Hence, this docket is closed, hereby making Order No. PSC-98-1088-FOF-TL final, effective the date that we originally approved the staff recommendation to close this docket, January 19, 1999.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that this docket is closed. It is further

ORDERED that Order No. PSC-98-1088-FOF-TL is reinstated as a final order, effective January 19, 1999.

By ORDER of the Florida Public Service Commission this 9th day of March, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: _____

Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

WPC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.