

State of Florida

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**Public Service Commission**  
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TALLAHASSEE, FLORIDA 32310  
RECORDS AND REPORTING

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**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** MARCH 18, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

**FROM:** DIVISION OF LEGAL SERVICES (COX, MILLER) *Jam MCB*  
DIVISION OF COMMUNICATIONS (BARRETT) *mcB*

**RE:** DOCKET NO. 981405-TI - COMPLAINT BY VANGUARD SCHOOL AGAINST MCI TELECOMMUNICATIONS CORPORATION REGARDING T-1 SERVICE.

**AGENDA:** 03/30/99 - REGULAR AGENDA - PARTIES MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\981405.RCM

**CASE BACKGROUND**

In March, 1998, Vanguard School of Lake Wales, Florida, (Vanguard) submitted an informal complaint to the Commission regarding charges billed by MCI Telecommunications Corporation for T-1 line access and long distance service. Staff investigated the matter but was unable to effect a satisfactory resolution between the parties. An informal conference was requested by Vanguard pursuant to Commission Rule 25-22.032, Florida Administrative Code, and was conducted on September, 1998, in Lake Wales. No settlement of the complaint was forthcoming.

By Order No. PSC-98-1612-PCO-TI, issued December 3, 1998, the matter was set for hearing. On January 11, 1999, the Commission referred the complaint to the Division of Administrative Hearings (DOAH) for further proceedings, because it involved disputes of

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fact and law. Shortly thereafter, the parties reached a settlement agreement, as confirmed by letter dated January 27, 1999 (Attachment A). Vanguard filed a Motion to Dismiss Petition with DOAH, and an Order Closing File was issued by DOAH on March 1, 1999.

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission approve the settlement agreement between Vanguard and MCI, and acknowledge Vanguard's Motion to Dismiss its complaint?

**RECOMMENDATION:** Yes. The Commission should approve the settlement agreement between Vanguard and MCI, and acknowledge Vanguard's Motion to Dismiss its complaint.

**STAFF ANALYSIS:** The parties reached a mutual agreement, as indicated in MCI's settlement letter of January 27, 1998. The settlement resolves all outstanding disputes between the parties; and staff recommends that it be approved. Vanguard filed a Motion to Dismiss Petition, which was unopposed. On March 1, 1999, DOAH entered an Order Closing File in response to the Motion to Dismiss. Accordingly, Staff recommends the Commission acknowledge Vanguard's Motion to Dismiss.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. With the settlement between Vanguard and MCI, Vanguard's Motion to Dismiss Petition, and DOAH's Order Closing File, no further issues remain for the Commission to address. Therefore, this Docket should be closed.

**STAFF ANALYSIS:** With the settlement between Vanguard and MCI, Vanguard's Motion to Dismiss Petition, and DOAH's Order Closing File, no further issues remain for the Commission to address. Therefore, this Docket should be closed.

ATTACHMENT A



**MCI Telecommunications  
Corporation**

Law & Public Policy  
780 Johnson Ferry Road  
Suite 700  
Atlanta, GA 30342  
404 267 6391  
Fax 404 267 5992

BY FACSIMILE TRANSMISSION  
AND FIRST CLASS MAIL DELIVERY

January 27, 1999

Norman White, Esq.  
Bradley Johnson Law Firm, P.A.  
225 East Park Avenue  
P.O. Box 1260  
Lake Wales, FL 33859-1260

RE: Complaint of Vanguard School of Lake Wales (Sandra Odom)

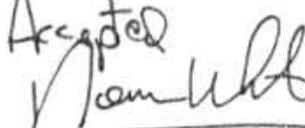
Dear Mr. White:

This will confirm that MCI has approved settlement of this matter, on the basis that your client pays \$32,000 and issues a full release to MCI. Within the next couple of days I will forward a form Settlement Agreement and Release to you for signature, with payment instructions. You are authorized to so inform the Division of Administrative Hearing. If you have any questions give me a call at (800) 525-5406. Thanking you for your assistance, I am

Very truly yours,

  
Kennard B. Woods

Cc: Kevin Gallagher, Esq.  
Marsha Ward, Esq.  
Mary Kennedy  
Cheryl Mackey  
Scott Klahn

Accepted  
  
Atty for petitioner