

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Telenet of South Florida, Inc. for relief under Section 252(i) of the Telecommunications Act of 1996 with respect to rates, terms, and conditions for interconnection and related arrangement with BellSouth Telecommunications, Inc.

DOCKET NO. 970730-TP  
ORDER NO. PSC-97-1514-PCO-TP  
ISSUED: December 3, 1997

ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL

BY THE COMMISSION:

On November 12, 1996, pursuant to Section 364.161(1), Florida Statutes, Telenet of South Florida, Inc., (Telenet) filed a petition for arbitration of its dispute with BellSouth Telecommunications, Inc., (BellSouth) concerning the provisioning of call forwarding. BellSouth alleged that Telenet was using the service in violation of section A13.9.1.A.1 of BellSouth's General Subscriber Service Tariff. Telenet alleged that the tariff provision is an anticompetitive restriction and that it had not been able to reach a resale agreement with BellSouth.

Following an evidentiary hearing held on February 12, 1997, in Docket No. 961346-TP, the Commission issued Order No. PSC-97-0462-FOF-TP on April 23, 1997, ruling that BellSouth may continue to sell its call forwarding services to Telenet subject to section A13.9.1.A.1. Telenet filed motions for reconsideration and for stay of Order No. PSC-97-0462-FOF-TP on May 8, 1997, and June 11, 1997, respectively. On July 17, 1997, the Commission issued Order No. PSC-97-0861-FOF-TP, denying the motion. On July 24, 1997, Telenet filed a Notice of Administrative Appeal of Orders Nos. PSC-97-0462-FOF-TP and PSC-97-0861-FOF-TP. On October 27, 1997, Telenet filed a Notice of Withdrawal of Appeal.

On June 17, 1997, Telenet filed a petition for relief under 47 U.S.C. §252(i), alleging that BellSouth has refused to extend to Telenet BellSouth's interconnection agreement with AT&T Communications of the Southern States under the same terms and conditions. This docket was opened to address Telenet's new petition.

DOCUMENT NUMBER DATE

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On September 26, 1997, the firm of Messer, Caparello & Self, P.A., and its attorneys, Floyd R. Self and Norman H. Horton, Jr., filed with this Commission a notice of substitution of counsel for Telenet. On October 16, 1997, the firm of Swidler & Berlin, Chtd., and its attorneys, Douglas G. Bonner, Alexia Morrison, Ronald J. Jarvis, and Melissa B. Rogers, filed a motion with this Commission to withdraw as counsel for Telenet.

The movant represents that its withdrawal is with the consent of Telenet. Accordingly, the motion is hereby granted.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Motion to Withdraw as Counsel in this proceeding of Swidler & Berlin, Chtd., and its attorneys, is hereby granted.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 3rd day of December, 1997.

  
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SUSAN F. CLARK  
Commissioner and Prehearing Officer

( S E A L )

CJP

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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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), 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.