

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Utilicore Corporation for approval of Section 251(i) election of interconnection, unbundling, and resale agreement with Sprint-Florida, Incorporated, pursuant to the Telecommunications Act of 1996.

DOCKET NO. 980226-TP
ORDER NO. PSC-98-0657-FOF-TP
ISSUED: May 12, 1998

The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING WITHDRAWAL OF PETITION

BY THE COMMISSION:

On February 11, 1998, Utilicore Corporation (Utilicore) filed a Petition for Approval of Section 252(i) Election of Interconnection Agreement with Sprint-Florida, Incorporated (Sprint). By its Petition, Utilicore sought to elect the interconnection agreement between KMC Telecom Inc. (KMC) and Sprint pursuant to Section 252(i) of the Telecommunications Act of 1996 (Act). The KMC/Sprint agreement was approved by Order No. PSC-98-0211-FOF-TP, issued February 4, 1998, in Docket NO. 971473-TP.

On March 9, 1998, Sprint filed a Motion to Dismiss and/or Answer to Utilicore's Petition. Therein, Sprint stated that Utilicore has altered a material provision of the KMC/Sprint agreement prior to submitting it for Commission-approval under Section 252(i) of the Act. Sprint argued that this alteration was prohibited by the Eighth Circuit Court of Appeals; therefore,

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Utilicore's petition should be dismissed. Citing Iowa Utilities Board v. F.C.C., 1997 WL 403401 (8th Cir.).

On April 10, 1998, Utilicore filed a letter stating that Sprint and Utilicore had executed an agreement. Utilicore asked, therefore, that its Petition in this Docket be withdrawn.

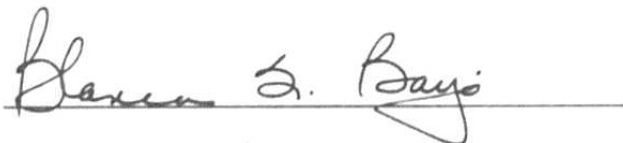
With the withdrawal of Utilicore's Petition, Sprint's Motion to Dismiss is rendered moot. As such, there are no other issues in this docket for us to address. This docket shall, therefore, be closed.

It is, therefore

ORDERED by the Florida Public Service Commission that the withdrawal of Utilicore Corporation's Petition for Approval of Section 252(i) Election of Interconnection Agreement is acknowledged. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 12th day of May, 1998.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

BK

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.