

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint by TEL-SAVE, ) DOCKET NO. 940606-TI  
INC. against AT&T COMMUNICATIONS ) ORDER NO. PSC-94-1325-FOF-TI  
OF THE SOUTHERN STATES, INC. ) ISSUED: October 27, 1994  
regarding alleged tariff )  
violation denying LABO Service )  
and discounts. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER GRANTING JOINT MOTION TO DISMISS

BY THE COMMISSION:

On May 4, 1994, Tel-Save, Inc. (Tel-Save) filed a Complaint against AT&T Communications of the Southern States, Inc. (AT&T) alleging that AT&T gives significant discounts to some customers under its Location Account Billing Option (LABO) tariff, while denying those discounts to resellers such as Tel-Save. AT&T filed a Motion to Dismiss on June 20, 1994. On June 30, 1994, Tel-Save and AT&T filed a Joint Motion to Dismiss wherein both parties jointly move the Commission to grant a order dismissing the Complaint and closing the docket.

Both parties agree that all claims against AT&T have been satisfactorily resolved by the parties, with AT&T denying all wrongdoing and liability with respect to the matters alleged in Tel-Save's Complaint. There are no other parties to this docket. Therefore, upon consideration, we find that the Joint Motion to Dismiss shall be granted, and the Complaint will thereby be dismissed as moot.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Joint Motion to Dismiss, filed by Tel-Save, Inc. and AT&T Communications of the Southern States, Inc. is hereby granted as set forth in the body of this order. It is further

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ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 27th  
day of October, 1994.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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 or sewer 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.