

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Dispute between Dade) DOCKET NO. 931033-TL
County Aviation Department and) ORDER NO. PSC-95-0607-FOF-TL
BellSouth Telecommunications,) ISSUED: May 17, 1995
Inc. d/b/a Southern Bell)
Telephone and Telegraph Company)
related to telephone serving)
arrangements at airports in Dade)
County.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST OF
ORDER NO. PSC-94-0123-FOF-TL AND CLOSING DOCKET

BY THE COMMISSION:

I. BACKGROUND

On February 1, 1994, the Commission issued Proposed Agency Action Order PSC-94-0123-FOF-TL Regarding Access to Facilities at Airports. The Order was issued as a result of failed attempts to settle a dispute that has continued for several years between the Dade County Aviation Department (DCAD) and Bellsouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or Company). On February 17, 1994, DCAD filed a Petition on Proposed Agency Action and Request for Formal Hearing. On March 11, 1994, Southern Bell filed a Motion to Dismiss DCAD's Petition. DCAD filed a response to the Motion to Dismiss on March 22, 1994. By Order No. PSC-94-1285-FOF-TL the Commission denied Southern Bell's Motion to Dismiss. The hearing on the matter was set for February 10, 1995. At the final Prehearing Conference on January 20, 1995, DCAD announced its intent to withdraw its Petition on Proposed Agency. On January 23, 1995, DCAD filed a withdrawal of its protest.

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II. DCAD'S WITHDRAWAL OF ITS PROTEST

The dispute between Dade County Aviation Department and Southern Bell has been ongoing. The parties have agreed to work together on the issues, bringing any further disputes to the Commission on a case-by-case basis. As noted above, DCAD has withdrawn its protest of Order No. PSC-94-0123-FOF-TL. Since DCAD has withdrawn its protest, nothing remains to be done in this proceeding. Accordingly, we find it appropriate to acknowledge the withdrawal and declare Order No. PSC-94-0123-FOF-TL final and effective on May 2, 1995.

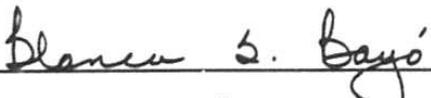
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Dade County Aviation Department's withdrawal of its protest of Order No. PSC-94-0123-FOF-TL is hereby acknowledged. It is further

ORDERED that Order No. PSC-94-0123-FOF-TL is final and effective on May 2, 1995. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 17th day of May, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 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.