

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Winstar of ) DOCKET NO. 960979-TP  
Florida, Inc. for arbitration of ) ORDER NO. PSC-97-0566-FOF-TP  
certain terms and conditions of ) ISSUED: May 20, 1997  
a proposed agreement with GTE )  
Florida Incorporated concerning )  
resale and interconnection )  
pursuant to 47 USC Section )  
252(b) of the Telecommunications )  
Act of 1996. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
JOE GARCIA  
DIANE K. KIESLING

ORDER ACKNOWLEDGING  
WITHDRAWAL OF REQUEST FOR  
ARBITRATION

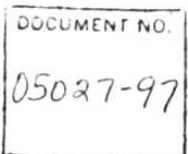
BY THE COMMISSION:

On August 26, 1996, WinStar Wireless of Florida, Inc. (WinStar) filed a petition for arbitration of certain terms and conditions of a proposed interconnection and resale agreement with GTE Florida Incorporated (GTEFL), pursuant to the provisions of 47 U.S.C Section 252(b) of the Telecommunications Act of 1996. Section 252(b) (1) states that:

During the period from the 135th to 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under this section, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues.

The parties initially agreed that the issues presented by the petition could be addressed by the Commission in an informal proceeding, pursuant to the provisions of Section 120.57(2), Florida Statutes. The parties were unable, however, to agree to a stipulation of material facts upon which they would base briefs on the issues for the Commission's consideration. Therefore, the parties requested an evidentiary hearing on the issues pursuant to the provisions of Section 120.57(1), Florida Statutes. A hearing was convened on January 23, 1997. At the start of the hearing WinStar informed the Commission that the parties had resolved all of the unresolved issues, and it withdrew its request for arbitration.

We acknowledge Winstar's withdrawal of its request for arbitration.



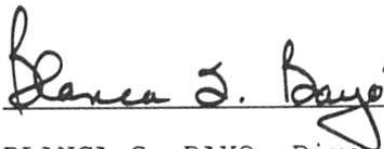
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Based on the foregoing,

It is ORDERED by the Florida Public Service Commission that WinStar Wireless of Florida, Inc.'s withdrawal of its request for arbitration is thereby acknowledged. It is further

ORDERED that this docket shall be closed.

BY ORDER of the Florida Public Service Commission this 20th,  
day of May, 1997.

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

BLANCA S. BAYO, 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 120.569(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.