

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Robert A. Butterworth, Attorney General, and the Citizens of the State of Florida, by and through Jack Shreve, Public Counsel, against AT&T Communications of the Southern States, Inc. (and d/b/a Connect 'N Save) for slamming Robert Flint in violation of Rule 25-4.118, F.A.C.

DOCKET NO. 971433-TI

In re: Initiation of show cause proceedings against AT&T Communications of the Southern States, Inc. and d/b/a Connect N' Save for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection.

DOCKET NO. 971492-TI ✓  
ORDER NO. PSC-98-0072-PCO-TI  
ISSUED: January 13, 1998

ORDER CONSOLIDATING DOCKETS

On October 31, 1997, Attorney General Bob Butterworth, on behalf of the Citizens of Florida through the Public Counsel, filed a Complaint alleging that AT&T Communications of the Southern States, Inc. (and d/b/a Connect 'N Save), (AT&T) through its employees or agents, changed the primary interexchange carrier of Mr. Robert Flint without his authorization or consent.

On November 24, 1997, AT&T filed a Motion to Dismiss the Complaint. In its Motion to Dismiss, AT&T stated that Public Counsel's power is limited to recommending to the Commission that it commence a proceeding. AT&T also noted that the Commission has opened Docket 971492-TI, a show cause proceeding that will encompass all slamming complaints filed against AT&T during 1997. As such, AT&T agreed, the issues raised in this Docket would be resolved within Docket No. 971492-TI. AT&T alternatively requested that Docket No. 971433-TI be consolidated with Docket No. 971492-TI. Both the Attorney General and the Public Counsel have agreed that Dockets Nos. 971433-TI and 971492-TI should be consolidated. As a result on December 9, 1997, AT&T withdrew its Motion to Dismiss.

DOCUMENT NUMBER-DATE

00641 JAN 13 98

FPSO-REGULATORY-REPORTING

ORDER NO. PSC-98-0072-PCO-TI  
DOCKETS NOS. 971433-TI,971492-TI  
PAGE 2

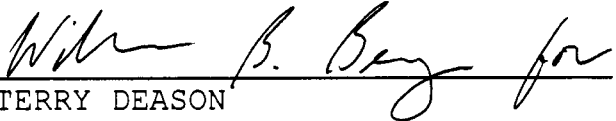
After reviewing the Complaint and AT&T'S motion, I find that it is appropriate, pursuant to Rule 25-22.035(2), Florida Administrative Code, to consolidate this docket with Docket No. 971492-TI, Initiation of show cause proceedings against AT&T Communications of the Southern States, Inc., for violation of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection. The issues in Dockets Nos. 971433-TI and 971492-TI are substantially similar. Therefore, this docket will be closed upon the issuance of this Order. Discovery in this Docket may continue under Docket No. 971492-TI.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Docket No. 971433-TI is hereby consolidated with Docket No. 971492-TI. It is further

ORDERED that Docket No. 971433-TI shall be closed.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 13th day of January, 1998.

  
\_\_\_\_\_  
J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

JRB

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 25-22.0376, 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.