

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.	DOCKET NO. 990455-TL
In re: Request for review of proposed numbering plan relief for the 561 area code.	DOCKET NO. 990456-TL
In re: Request for review of proposed numbering plan relief for the 954 area code.	DOCKET NO. 990457-TL
In re: Request for review of proposed numbering plan relief for the 904 area code.	DOCKET NO. 990517-TL ORDER NO. PSC-01-1165-FOF-TL ISSUED: May 22, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER DENYING RECONSIDERATION

BY THE COMMISSION:

By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, this Commission ordered area code relief for the 305/786, 954, 561, and 904 area codes. On November 7, 2000, the Florida Code Holders Group (FCHG)<sup>1</sup> filed a joint motion for reconsideration and request for hearing on the PAA portion of the Order concerning code sharing. The request for hearing on the PAA portion of the Order

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<sup>1</sup> AllTel Florida, Inc., AT&T Communications for the Southern States, Inc., AT&T Wireless Services, Inc., BellSouth Telecommunications, Inc., Cingular Wireless LLC, MCI WorldCom, Inc., and Sprint

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concerning code sharing was filed timely within the 21 day protest period, and the matter was set for hearing.

Portions of the Order were appealed to the Florida Supreme Court, but on December 12, 2000, we filed a petition with the Florida Supreme Court requesting that the Court relinquish jurisdiction to us to allow us to review and reconsider the Order on our own motion.

On February 2, 2001, the Joint Parties<sup>2</sup> (Parties) filed an Offer of Settlement to Resolve the Code Sharing Protest, Reconsideration Requests, and Appeals of Order No. PSC-00-1937-PAA-TL, and on February 19, 2001, they filed a letter amending the offer of settlement. On March 27, 2001, Order No. PSC-01-0808-AS-TL issued, accepting the Settlement Offer.

On April 9, 2001, Emmanuel Arvanitas filed his Motion for Reconsideration of Order Approving Offer of Settlement. A joint Response in opposition to the Motion was filed on April 17, 2001, by the Parties.

We have authority to address this Matter pursuant to Chapter 364, Florida Statutes, 47 C.F.R. §§ 52.3 and 52.19, and FCC Order No. FCC 99-249.

Rule 25-22.060(1)(a), Florida Administrative Code, governs Motions for Reconsideration and states, in pertinent part: "Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order." (emphasis supplied) Mr. Arvanitas is not a party of record in this docket. Therefore, it is not appropriate to consider his Motion for Reconsideration, and it is denied.

Were it proper to consider Mr. Arvanitas' Motion for Reconsideration, the standard of review for a Motion for Reconsideration would be whether the motion identifies a point of fact or law which was overlooked or which we failed to consider in

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<sup>2</sup> AllTel Florida, AT&T Communications for the Southern States, Inc., AT&T Wireless Services, Inc., BellSouth Telecommunications, Inc., Cingular Wireless LLC, Florida Cable Telecommunications Association, Inc., VoiceStream Wireless, Sprint-Florida, Inc., Sprint Communications Company Limited Partnership, Sprint PCS, Volusia County, and WorldCom, Inc.

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rendering our Order. See Stewart Bonded Warehouse, Inc. v. Bevis, 294 So. 2d 315 (Fla. 1974); Diamond Cab Co. v. King, 146 So. 2d 889 (Fla. 1962); and Pingree v. Quaintance, 394 So. 2d 161 (Fla. 1st DCA 1981). In a motion for reconsideration, it is not appropriate to reargue matters that have already been considered. Sherwood v. State, 111 So. 2d 96 (Fla. 3d DCA 1959); citing State ex. rel. Jaytex Realty Co. v. Green, 105 So. 2d 817 (Fla. 1st DCA 1958). Furthermore, a motion for reconsideration should not be granted "based upon an arbitrary feeling that a mistake may have been made, but should be based upon specific factual matters set forth in the record and susceptible to review." Stewart Bonded Warehouse, Inc., at 317.

Mr. Arvanitas' Motion fails to identify a point of fact or law which was overlooked or which we failed to consider in rendering our Order. Moreover, Mr. Arvanitas' comments generally constitute reargument of matters that have already been considered and disposed of by us. Therefore, even if it were proper to consider Mr. Arvanitas' Motion for Reconsideration, it would be denied.

Based on the foregoing, it is

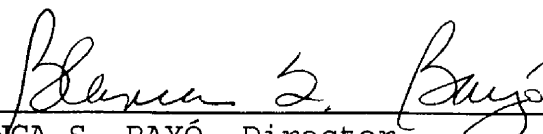
ORDERED by the Florida Public Service Commission that Emmanuel Arvanitas' Motion for Reconsideration is hereby denied. It is further

ORDERED that Docket No. 990517-TL shall remain closed. It is further

ORDERED that Dockets Nos. 990455-TL, 990456-TL, and 990457-TL shall remain open.

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By ORDER of the Florida Public Service Commission this 22nd  
Day of May, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CLF

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.