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June 8, 2001

Ms. Blanca Bayo'  
Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RE: Docket No. 010089-TP; Sprint's Objections to Reconsideration of Order Dismissing Request for Informal Conference (PSC-01-0521-FOF-TP)

Dear Ms. Bayo':

Enclosed for filing are the original and 15 copies of Sprint's Objections to Reconsideration of Order Dismissing Request for Informal Conference (PSC-01-0521-FOF-TP). A copy is being served on the parties in this docket, pursuant to the attached Certificate of Service.

Please acknowledge receipt of this filing by stamping and initialing a copy of this letter and returning same to the courier. If you have any questions, please do not hesitate to call me at 850/599-1560.

Sincerely,

Susan S. Masterton

Enclosures

DOCUMENT NUMBER-DATE

07182 JUN-85

PSC-RECORDS/REPORTING

## CERTIFICATE OF SERVICE

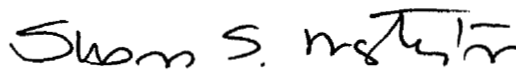
Docket No. 010089-TP

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U. S. Mail this 8th day of June, 2001, to the following:

Verizon Florida Inc.  
Ms. Michelle A. Robinson  
C/o Mr. David Christian  
106 East College Avenue, Suite 810  
Tallahassee, Florida 32301-7704

Jason Fudge, Esq.  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Ms. Charlene Hoag  
3145 Crenshaw Court  
New Port Richey, FL 34655



Susan S. Masterton

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of Charlene  
Hoag against Verizon Florida Inc.  
And Sprint Communications Company  
Limited Partnership d/b/a Sprint for alleged  
Improper billing.

Docket No. 010089-TP

Filed: June 8, 2001

**SPRINT'S OBJECTIONS TO RECONSIDERATION OF  
ORDER DISMISSING REQUEST FOR INFORMAL CONFERENCE  
(PSC-01-0521-FOF-TP)**

Without waiving any objections available based on lack of service of a Motion for Reconsideration in this docket, Sprint Communications Company Limited Partnership d/b/a Sprint ("Sprint") files its Objections to Reconsideration of Order Dismissing Request for Informal Conference (PSC-01-0521-FOF-TP) and in support states as follows:

1. Sprint was never served with any document that would form the basis for reconsideration of the Commission's final order in this docket, as required by Rule 28-106.110, Florida Administrative Code. Sprint was first made aware of Ms. Hoag's desire to have the Commission's ruling reconsidered via a telephone call from staff on or about June 1, 2001 inquiring as to Sprint's intent to respond to correspondence that had apparently been sent to staff from Ms. Hoag, but had not been provided to Sprint.
2. The correspondence from Ms. Hoag which apparently forms the basis for her request for reconsideration was not timely filed. The final order in this docket was issued

on March 6, 2001. Pursuant to Rule 25-22.060, F.A.C., reconsideration must have been requested within 15 days after issuance of the final order, which in this case would have been March 21, 2001. Sprint was able to obtain from the Commission Clerk letters from Ms. Hoag to Commission staff in which she inquires about various courses of action to challenge the Commission's order. (This docket was closed pursuant to the Commission's March 6, 2001 Order, and therefore is not accessible via the Open Dockets link on the Commission's website.) In a letter received by the Commission Clerk on March 19, 2001, Ms. Hoag indicated that she was filing an appeal to the Order. In a subsequent letter received by the Commission Clerk on May 30, 2001, Ms. Hoag indicated that she wished to request reconsideration of the final order.

2. Even if the March 19, 2001 and May 30, 2001, filings by Ms. Hoag are accepted as a timely request for reconsideration, they do not conform to the requirements of Rule 25-22.060, F.A.C., and thus do not constitute a valid motion for reconsideration. Rule 25-22.060 (2), F.A.C., provides that a motion for reconsideration must contain a "precise statement of the grounds for reconsideration." Ms. Hoag's letters to the Commission staff do not set forth any grounds for reconsideration, but simply state her desire that the Commission's order be reconsidered.

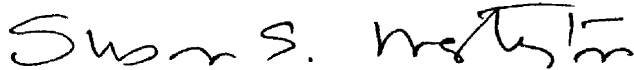
3. Even if the March 19, 2001, and May 30, 2001 letters are deemed sufficient under the rule to request reconsideration of the order, they do not state any legal grounds upon which the Commission could grant reconsideration. The standard applicable to the Commission's determination of a motion for reconsideration is well established. For reconsideration to be granted, it must be demonstrated that the Commission overlooked or failed to consider applicable evidence or relevant law in rendering its decision. See,

Diamond Cab Company v. King, 146 So. 2d 889 (Fla. 1962). 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." See, Stewart Bonded Warehouse, Inc. v. Bevis, 294 So. 2d 315, 317 (Fla. 1974). Ms. Hoag has not included in her correspondence any grounds for reconsideration and therefore has not presented the Commission with a basis for reconsideration in accordance with the applicable standards.

4. Ms. Hoag did not timely file a legally sufficient Motion for Reconsideration, did not properly serve the parties with her request, and did not state any legally sufficient grounds for reconsideration by the Commission. For these reasons, Sprint objects to the reconsideration of the Commission's final Order Dismissing Request for Informal Conference and to the reopening of this properly closed complaint.

**WHEREFORE**, Sprint requests that the Commission deny reconsideration of its decision in this docket and decline to reopen the docket for any further proceedings.

**RESPECTFULLY SUBMITTED** this 8<sup>th</sup> day of June 2001.



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