



Public Service Commission  
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COMMISSION  
CLERK

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**DATE:** DECEMBER 5, 2001

**TO:** DIRECTOR, DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES (BAYÓ)

**FROM:** DIVISION OF COMPETITIVE SERVICES (SCHULTZ) TMS  
DIVISION OF LEGAL SERVICES (CHRISTENSEN) MC/ AK

**RE:** DOCKET NO. 011177-TP - COMPLAINT OF MCIMETRO ACCESS  
TRANSMISSION SERVICES LLC AGAINST SPRINT-FLORIDA,  
INCORPORATED FOR IMPROPER ATTEMPT TO TERMINATE  
INTERCONNECTION AGREEMENT, REQUEST FOR INTERIM RELIEF, AND  
REQUEST FOR EXPEDITED PROCESSING.

**AGENDA:** 12/17/01 - REGULAR AGENDA - INTERESTED PERSONS MAY  
PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\011177.RCM

CASE BACKGROUND

On September 5, 2001, MCImetro Access Transmission Services, LLC (MCIMetro), filed its Complaint, Request for Interim Relief and Request for Expedited Processing against Sprint-Florida, Inc. (Sprint). MCIMetro requested that this docket be processed utilizing the expedited dispute resolution procedures. The Agreement in dispute was approved by Order No. PSC-97-0565-FOF-TP, issued on May 20, 1997, in Docket No. 961230-TL.

On September 25, 2001, Sprint timely filed its Answer to MCImetro's complaint. On September 21, 2001, the Commission issued Order No. PSC-01-1886-PCO-TP, the Order Establishing Procedure,

DOCUMENT NUMBER-DATE

15211 DEC-50

FPSC-COMMISSION CLERK

DOCKET NO. 011177-TP  
DATE: December 5, 2001

wherein the matter was granted expedited processing. This matter was scheduled for an administrative hearing on December 7, 2001.

The parties met with a staff mediator on October 30, 2001, and reached a settlement of the disputes in this docket. Subsequently, on November 2, 2001, MCImetro filed a Notice of Voluntary Dismissal of its Complaint due to MCImetro's settlement of the matters raised in the complaint with Sprint

This recommendation addresses MCImetro's Notice of Voluntary Dismissal.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission acknowledge MCIMetro's Notice of Voluntary Dismissal of its Complaint against Sprint?

**RECOMMENDATION:** Yes. The Commission should acknowledge MCIMetro's Notice of Voluntary Dismissal of its Complaint against Sprint.  
(SCHULTZ, CHRISTENSEN)

**STAFF ANALYSIS:** As stated in the Case Background, MCIMetro filed its Complaint on September 5, 2001 and Sprint timely replied on September 25, 2001. MCIMetro's Complaint requested (a) expedited resolution of Sprint's alleged improper attempt to terminate the Interconnection Agreement (Agreement) between the parties and (b) interim relief requiring the parties to operate under the Agreement while the complaint was pending. By Order No. PSC-01-1886-PCO-TP, this matter was scheduled for an administrative hearing on December 7, 2001, utilizing expedited processing.

By a letter dated September 5, 2001, Sprint notified MCIMetro of its intent to terminate new services to MCIMetro on November 19, 2001. After November 19, 2001, to obtain new services, Sprint would require MCIMetro to have a valid interconnection agreement or an interim agreement until a new interconnection agreement could be negotiated.

Due to these exigent circumstances, staff encouraged the parties to participate in mediation and offered the assistance of staff in the mediation process. The parties agreed to participate in mediation and contacted the Division of Appeals to arrange mediation.

Subsequently, Sprint indicated by its October 10, 2001, letter that it would extend the termination date for new services until December 21, 2001. Even though the Agreement would not be terminated by Sprint until after the scheduled hearing, the parties went forward with mediation. On October 30, 2001, mediation was held at the Commission between the parties and the staff mediator. As a result of the mediation, the parties reached a settlement.

On November 2, 2001, MCIMetro filed its Notice of Voluntary Dismissal of its Complaint against Sprint due to the mediated settlement of their dispute. Therefore, staff recommends that the

DOCKET NO. 011177-TP  
DATE: December 5, 2001

Commission acknowledge MCImetro's Notice of Voluntary Dismissal of its Complaint against Sprint.

DOCKET NO. 011177-TP  
DATE: December 5, 2001

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, staff recommends that this docket should be closed because the issues have been resolved by the parties and no further action is required by the Commission in this docket.  
**(CHRISTENSEN)**

**STAFF ANALYSIS:** This docket should be closed because the issues have been resolved by the parties and no further action is required by the Commission in this docket.