

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing to)	DOCKET NO. 910538-TL
introduce Operator Transfer Service)	
by SOUTHERN BELL TELEPHONE AND)	ORDER NO. 25001
TELEGRAPH COMPANY)	
)	ISSUED: 9/3/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY

ORDER ACKNOWLEDGING WITHDRAWAL OF MOTION
 AND CLOSING DOCKET

BY THE COMMISSION:

On June 24, 1991, the Commission issued Order No. 24698 which approved Southern Bell Telephone and Telegraph Company's (Southern Bell) Operator Transfer Service Tariff. On July 19, 1991, One Call Communications, Inc./OPTICOM (One Call) filed a Motion for an Extension of Time to protest the tariff filing. This docket, which was closed on July 16, 1991, was reopened on July 29, 1991, so that the Commission could address the July 19, 1991, Motion for Extension of Time.

One Call has some concerns regarding a possible conflict between the implementation of Operator Transfer Service and Order No.20489, issued December 21, 1988, in Docket No. 871394-TP, which provides that all O+ interLATA calls will be returned to the presubscribed carrier for completion. Operator Transfer Service has been approved for only Southern Bell. The Commission has opened Docket No.910800-TP, INVESTIGATION INTO THE IMPLEMENTATION OF OPERATOR TRANSFER SERVICE, to address this, and other, issues concerning the provisioning of Operator Transfer Service. Thus, the Company's concerns will be addressed generically in the aforementioned docket.

On July 30, 1991, One Call filed a Motion to Withdraw Request for Extension of Time. Under Rule 1.420, Florida Rules of Civil Procedure, prior to a hearing, a voluntary dismissal is a plaintiff's right and does not require an order to be issued by the tribunal. One Call's July 30, 1991, Motion to Withdraw is analogous to a voluntary dismissal. Traditionally, the Commission has issued orders acknowledging withdrawals which equate to

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dismissals of actions. This has been done as a vehicle to close dockets in which nothing remains to be done. Thus, we acknowledge One Call's July 30, 1991, Motion to Withdraw.

The protest period for the tariff approved in this docket has run with no timely protests. The docket was closed when One Call's July 19, 1991, Motion for Extension of Time was received. The docket was reopened to address that Motion. As the Motion has now been withdrawn, nothing remains to be done, and a final order shall be issued closing the docket.

Based upon the foregoing, it is

ORDERED by the Florida Service Commission that the One Call's July 30, 1991 Motion to Withdraw its July 19, 1991 Motion for Extension of Time is hereby acknowledged. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this
3rd day of SEPTEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any

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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 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 or sewer 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.