

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 920765-TI
certificate to provide) ORDER NO. PSC-93-0693-PCO-TI
interexchange telecommunications) ISSUED: May 6, 1993
service by MA BELL ASSOCIATES,)
INC. d/b/a MA BELL MARKETING.)
_____)

ORDER GRANTING MOTION FOR EXTENSION OF TIME

On July 29, 1992, Ma Bell Associates, Inc. d/b/a Ma Bell Marketing (MBM) filed an application for a certificate to provide interexchange telecommunications services in the State of Florida. On October 1, 1992, the Commission issued Proposed Agency Action Order No. PSC-92-1094-FOF-TI, by which it proposed to grant to MBM an interexchange carrier certificate. On October 22, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Bell) filed a protest to Order No. PSC-92-1094-FOF-TI. Pursuant to Bell's protest, this case is currently scheduled for an administrative hearing.

On March 4, 1993, Bell filed a motion to extend all deadlines in this case by a period of sixty days. In its motion, Bell pointed out that MBM has entered into a consent judgement in an unrelated proceeding, Ameritech Corp. v. Ma Bell Assoc., Inc. d/b/a Ma Bell Marketing, Civil Action No. 92C8185, in the U.S. District Court, Northern District of Illinois, by which it has been enjoined from using the name "Ma Bell" in connection with its business operations. According to Bell, the consent judgment effectively prevents MBM from operating under the name "Ma Bell" in this or any other state and that it should, therefore, lead to a resolution of the instant dispute. Bell, therefore, requested that this Commission extend the various deadlines in this case by sixty days. Bell also stated that it consulted with MBM, that MBM did not oppose Bell's motion, and that granting Bell's motion would in no way prejudice any party to this proceeding. Since the Commission was informed that MBM would be withdrawing or amending its application on the basis of the consent judgment, it took no immediate action on Bell's motion.

On May 3, 1993, Bell filed a second motion for extension of time. Essentially, Bell has adopted or realleged all of its arguments from its first motion. In addition, Bell correctly points out that, even if its first motion had been granted, it would still have expired on May 3, 1993. Bell also represents that, if MBM is not forthcoming with a withdrawal or an amendment in the near future, it may file a motion for involuntary dismissal or for summary judgment.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Since it appears that the consent judgment prevents MBM from operating in this state as "Ma Bell", and that this case should be able to be disposed of without the need for a hearing, Bell's motion for extension of time is granted. However, if this case has not been disposed of within sixty days of the date of this Order, it will be reset for hearing at that time.

It is, therefore,

ORDERED by Chairman J. Terry Deason that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's second motion for extension of time is hereby granted, as set forth in the body of this Order.

By ORDER of Chairman J. Terry Deason this 6th day of
May, 1993.


J. TERRY DEASON, Chairman

(S E A L)

RJP

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 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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida

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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.