

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint by) DOCKET NO. 920518-TI
TELECOMMUNICATIONS, INC. against) ORDER NO. PSC-93-0769-FOF-TI
TRANSCALL AMERICA, INC. D/B/A) ISSUED: May 20, 1993
ATC LONG DISTANCE for alleged)
wrongful disconnection of)
service to customers.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

FINAL ORDER DISMISSING COMPLAINT
WITHOUT PREJUDICE AND CLOSING DOCKET

BY THE COMMISSION:

Telecommunications Services, Inc. (TSI) has been a certificated interexchange carrier (IXC) since November 16, 1989. TSI is a switchless reseller of long distance service. Transcall America, Inc. d/b/a ATC Long Distance (ATC) has been certificated as a facilities based IXC since December 17, 1982. As certificated IXC's both TSI and ATC are subject to Commission jurisdiction pursuant to Chapter 364, Florida Statutes.

This docket was opened pursuant to a complaint filed by TSI on May 22, 1992. the matter was scheduled for hearing on June 1, 1993. On April 23, 1993 TSI filed a Notice of Voluntary Dismissal. Rule 1.420(a)(1), Florida Rules of Civil Procedure, provides: "Unless otherwise stated in the notice or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication on the merits when served by a plaintiff who has once dismissed in any court an action based on or including the same claim." At this time, TSI has not dismissed a similar action in any other forum. Accordingly, we find it appropriate to dismiss this complaint without prejudice and close this docket.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the complaint by Telecommunications Services, Inc. against Transcall

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America, Inc. d/b/a ATC Long Distance is hereby dismissed without prejudice. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this 20th day of May, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Deegan
Chief, Bureau of Records

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 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.