

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of ) DOCKET NO. 950769-TP  
required payment method of dial- ) ORDER NO. PSC-96-0478-PCO-TP  
around compensation to allow ) ISSUED: April 5, 1996  
implementation of a per-call )  
based method for intrastate )  
calls to non-local exchange )  
company pay telephone (NPAT) )  
providers by Florida Public )  
Telecommunications Association, )  
Inc. )  
\_\_\_\_\_ )

ORDER STAYING PROCEEDINGS

On July 5, 1995, the Florida Public Telecommunications Association, Inc. (FPTA) filed a Petition for Modification of Order No. PSC-93-0070-FOF-TP requesting the Commission implement a per-call payment mechanism for dial-around calls from its pay telephones. On November 3, 1995, the Commission issued Notice of Proposed Agency Action Order No. PSC-95-1369-FOF-TL ordering certain interexchange companies to implement a per-call mechanism. AT&T Communications of the Southern States, Inc., MCI Telecommunications Corporation, and WorldCom, Inc. d/b/a LDDS WorldCom (LDDS) each filed timely petitions protesting the Commission's action and requesting a hearing. The hearing is currently scheduled for July 8-10, 1996 and a special agenda is set for October 14, 1996.

On February 8, 1996, the Telecommunications Act of 1996, Public Law 104-104, became law. Section 276 of the Act requires the Federal Communications Commission (FCC) to establish regulations that establish a per call compensation mechanism for all interstate and intrastate calls. The regulations must be in place by November 8, 1996. Section 276(c) of the Act states that if any state requirement is inconsistent with the Federal regulations, Federal regulations will preempt the state requirements.

On March 18, 1996, LDDS filed a Motion to Hold Proceeding in Abeyance Pending Conclusion of Federal Proceedings. In its petition, LDDS described the Telecommunications Act of 1996 and requested that this proceeding be held in abeyance pending the outcome of the Federal decision. On April 1, 1996, FPTA filed a response to LDDS's motion and did not object to holding the proceeding in abeyance.

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It is appropriate to hold these proceedings in abeyance until November 8, 1996, when the FCC's proceedings are complete. Further action by the Commission in this docket will only duplicate proceedings at the FCC. Under the current schedule, the Commission's final vote in this docket will occur on October 14, 1996. Since it is likely that one or more of the parties will request reconsideration of that Order, our proceeding will not be completed until after the FCC's rules are in place. Therefore, these proceedings will be held in abeyance until November 8, 1996. After the conclusion of the FCC proceedings, an appropriate order to reschedule this proceeding will be issued as necessary.

Based on the foregoing, it is

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the proceedings in this docket will be held in abeyance until November 8, 1996. It is further

ORDERED that these proceedings will be rescheduled, as necessary, by a future order.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 5th day of April, 1996.

  
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JULIA L. JOHNSON, Commissioner and  
Prehearing Officer

( S E A L )

LMB

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

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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 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida 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.