

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into the) DOCKET NO. 940235-TL
rates for interconnection of) ORDER NO. PSC-97-0160-FOF-TL
mobile service providers with) ISSUED: February 13, 1997PSC-
facilities of local exchange)
companies.)
_____)

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

ORDER GRANTING MOTION,
ACKNOWLEDGING WITHDRAWAL OF PETITION
AND CLOSING DOCKET

BY THE COMMISSION:

In Docket No. 870675-TL, we investigated the interconnection of mobile carriers with facilities of Local Exchange Companies (LECs). As a result, we approved rates, terms and conditions for interconnection between mobile service providers (MSPs) and LECs by Order No. 20475, issued December 20, 1988. In that docket we linked mobile interconnection usage rates to switched access charges through a specified formula.

On September 15, 1993, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (BellSouth) filed a petition to disassociate usage-based mobile interconnection charges from the formula. We considered the petition in Docket No. 930915-TL. In that docket, we found that BellSouth had not fully supported its petition to disassociate the MSP network usage rates from the formula. Further, that the formula, which was established with input from many parties, should not be discarded on the basis of a petition from one company. Therefore, we denied BellSouth's petition.

Upon denying BellSouth's petition, we also opened this generic docket to determine the appropriate rates, terms and conditions for mobile interconnection, including whether the formula for mobile service provider usage charges was still appropriate. We conducted an evidentiary hearing on these issues on March 27 and 28, 1995. After considering the evidence, we found it appropriate to break the link between MSP interconnection charges and switched access

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charges. See Order No. PSC-95-1247-FOF-TL, issued on October 11, 1995. On November 13, 1995, McCaw Communications of Florida, Inc. (McCaw), now known as AT&T Wireless Services of Florida Inc., filed an appeal of our Order to the Florida Supreme Court.

Sprint/Centel/United (SCU), ALLTEL Florida, Inc. (ALLTEL), BellSouth and GTE Florida, Inc. (GTEFL) filed tariffs pursuant to Order No. PSC-95-1247-FOF-TL. We approved the tariffs at our December 19, 1995, agenda conference to be effective December 31, 1995. Our decision approving the tariffs was memorialized by Order PSC-96-0132-FOF-TL issued January 29, 1996. We also, by that same Order, issued a Proposed Agency Action (PAA) requiring Gulf Telephone Company (Gulf), Quincy Telephone Company (Quincy), and St. Joseph Telephone & Telegraph Company (St. Joe) to file compliance tariffs.

On February 13, 1996, McCaw filed a Motion for Reconsideration of Order No. PSC-96-0132-FOF-TL. On February 19, 1996, McCaw also filed a petition protesting the PAA portion of that order. By letter dated June 25, 1996, McCaw agreed that no action should be taken on its petition pending a final decision from the Supreme Court, since that decision could be dispositive of the issues in the protest. Thereafter, on September 26, 1996, the Florida Supreme Court affirmed Order No. PSC-95-1247-FOF-TL. Based on the Court's decision, McCaw filed a Motion for Withdrawal of Petition on Proposed Agency Action and a Notice of Withdrawal of its Motion for Reconsideration.

Upon consideration, we find it appropriate to grant McCaw's Motion to Withdraw Petition on Proposed Agency Action. We also acknowledge McCaw's Withdrawal of Motion for Reconsideration.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant McCaw Communications of Florida, Inc.'s Motion to Withdraw Petition on Proposed Agency Action. It is further

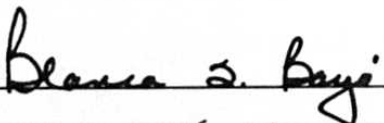
ORDERED that we acknowledge McCaw's Withdrawal of Motion for Reconsideration. It is further

ORDERED that Order No. PSC-96-0132-FOF-TL is final. It is further

ORDERED that this docket is closed.

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By ORDER of the Florida Public Service Commission, this 13th
day of February, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.