

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and/or
petition for arbitration against
Sprint Florida, Incorporated by
Wireless One Network, L.P. d/b/a
Cellular One of Southwest
Florida pursuant to Section 252
of the Telecommunications Act of
1996, and request for expedited
hearing pursuant to Section
364.058, F.S.

DOCKET NO. 970788-TP
ORDER NO. PSC-97-1522-FOF-TP
ISSUED: December 3, 1997

The following Commissioners participated in the disposition of
this matter:

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

ORDER GRANTING REQUEST FOR DISMISSAL AND CLOSING DOCKET

BY THE COMMISSION:

On June 27, 1997, Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida, (Wireless One), a Commercial Mobile Radio Service (CMRS) provider, filed a Complaint and/or Petition for Arbitration (Petition) against Sprint Florida, Incorporated (Sprint). In its Petition, Wireless One asked this Commission to make the terms and conditions of Sprint's interim agreement with Palmer Wireless, Inc., available to Wireless One. Wireless One also asked us to find that Sprint was in violation of Sections 252(e), (h), and (i) of the Telecommunications Act of 1996, and to order Sprint to refund the difference between the rates that Wireless One was paying under Sprint's tariff and the rates in the Palmer agreement.

By Order No. PSC-97-1043-PCO-TP, issued September 4, 1997, we granted Sprint's Motion to Dismiss Wireless One's petition without

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prejudice. We left the docket open in order to allow Wireless One the opportunity to amend its petition.


On October 13, 1997, Wireless One filed a request to dismiss its Complaint and/or Petition with prejudice. In its request, Wireless One stated that the issues that prompted this matter have been resolved by the parties. Because Wireless One has indicated that the matters that gave rise to its petition have been resolved with Sprint, we hereby grant Wireless One's request.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida's request to dismiss with prejudice its Complaint and/or Petition against Sprint-Florida, Incorporated, is granted. It is further

ORDERED that this docket is closed.

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