

MEMORANDUM

April 6, 1998

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FPSC - Record Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK* *MJB*

RE: DOCKET NO. 951232-TI - DADE COUNTY CIRCUIT COURT REFERRAL OF CERTAIN ISSUES IN CASE NO. 92-11654 (TRANSCALL AMERICA, INC. D/B/A ATC LONG DISTANCE VS. TELECOMMUNICATIONS SERVICES, INC., AND TELECOMMUNICATIONS SERVICES, INC. VS. TRANSCALL AMERICA, INC. D/B/A ATC LONG DISTANCE) THAT ARE WITHIN THE COMMISSION'S JURISDICTION.

98-0487-PCD-TI

Attached is an ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME, to be issued in the above referenced docket. (Number of pages in order - 3)

BK/anr
Attachment
cc: Division of Communications
I: 951232eo.bk

MUST GO TODAY

4/0.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Dade County Circuit Court referral of certain issues in Case No. 92-11654 (Transcall America, Inc. d/b/a ATC Long Distance vs. Telecommunications Services, Inc., and Telecommunications Services, Inc. vs. Transcall America, Inc. d/b/a ATC Long Distance) that are within the Commission's jurisdiction.

DOCKET NO. 951232-TI
ORDER NO. PSC-98-0487-PCO-TI
ISSUED: April 7, 1998

ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME

Transcall America, Inc., d/b/a Advanced Telecommunications Corp. (ATC) filed this complaint with the Dade County Circuit Court on May 21, 1992, against Telecommunications Services, Inc. (TSI) for alleged failure to pay for telecommunications services rendered. On July 5, 1994, TSI filed a counterclaim alleging breach of contract and improper billing of services. On February 24, 1995, the Court issued its Order Staying Action and Referring to the Florida Public Service Commission. Therein, the Court referred to this Commission for review all claims within the Commission's exclusive jurisdiction under Chapter 364. On January 29, 1997, TSI filed a Motion for Reconsideration of Order Staying Action and Referring to the Florida Public Service Commission and Motion for Leave to Amend Counterclaim with the Dade County Circuit Court. Transcall served its response to the motion on February 20, 1997, and the Commission served a response on April 18, 1997. On May 27, 1997, the Circuit Court issued its Order Denying Motion for Reconsideration and to Amend. This matter has, therefore, been set for hearing August 19 and 20, 1998.

On March 31, 1998, TSI filed an Agreed Motion for Enlargement of Time to Serve Opposition to Transcall's Motion to Compel Answers to Interrogatories. TSI states that on March 19, 1998, Transcall served a Motion to Compel Answers to Interrogatories. During the week of March 23, 1998, TSI asserts that it was involved in taking depositions and was unavailable for other reasons the weekend of March 28 and 29, 1998. Thus, TSI asserts it was unable to respond

DOCUMENT NUMBER-DATE

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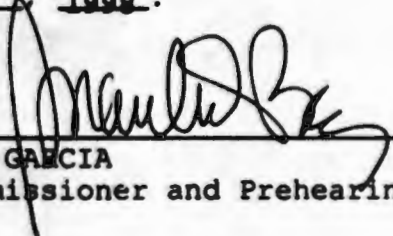
to the Motion to Compel in a timely manner. TSI asserts that it has reached an agreement with counsel for Transcall that the response to the Motion to Compel may be served by April 6, 1998. TSI asks, therefore, that the time for responding to Transcall's Motion to Compel be enlarged through April 6, 1998.

In view of TSI's assertions that the parties have agreed that the enlargement of time is acceptable, and considering that the hearing is set for August 19 and 20, 1998, I hereby grant TSI's Agreed Motion for Enlargement of Time. TSI shall file its response, if any, to Transcall's March 19, 1998, Motion to Compel by April 6, 1998.

Based upon the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the Agreed Motion for Enlargement of Time to Serve Opposition to Transcall's motion to Compel Answers to Interrogatories filed by Telecommunication Services, Inc. is granted. It is further

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 7th Day of April, 1998.



JOE GARCIA
Commissioner and Prehearing Officer

ASST. TO:

(S E A L)

BK

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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 are 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 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.