

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Vanguard  
School against MCI  
Telecommunications Corporation  
regarding T-1 Service.

DOCKET NO. 981405-TI  
ORDER NO. PSC-99-0695-AS-TI  
ISSUED: April 9, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT AND  
ACKNOWLEDGING MOTION TO DISMISS

BY THE COMMISSION:

Background

In March, 1998, Vanguard School of Lake Wales, Florida, (Vanguard) submitted an informal complaint to this Commission regarding charges billed by MCI Telecommunications Corporation (MCI) for T-1 line access and long distance service. Our staff investigated the matter but was unable to effect a satisfactory resolution between the parties. An informal conference was requested by Vanguard pursuant to Commission Rule 25-22.032, Florida Administrative Code, and was conducted on September, 1998, in Lake Wales. No settlement of the complaint was forthcoming.

By Order No. PSC-98-1612-PCO-TI, issued December 3, 1998, the matter was set for hearing. On January 11, 1999, this Commission referred the complaint to the Division of Administrative Hearings (DOAH) for further proceedings, because it involved disputes of fact and law. Shortly thereafter, the parties reached a settlement agreement, as confirmed by letter dated January 27, 1999 (Attachment A). Vanguard filed a Motion to Dismiss Petition with

DOCUMENT NUMBER-DATE

04616 APR-99

FPSC-RECORDS/REPORTING

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DOAH, and an Order Closing File was issued by DOAH on March 1, 1999.

Conclusion

The parties reached a mutual agreement, as indicated in MCI's settlement letter of January 27, 1998. The settlement resolves all outstanding disputes between the parties. Vanguard filed a Motion to Dismiss Petition, which was unopposed. On March 1, 1999, DOAH entered an Order Closing File in response to the Motion to Dismiss. Accordingly, we hereby approve the settlement agreement between Vanguard and MCI, and acknowledge Vanguard's Motion to Dismiss its complaint.

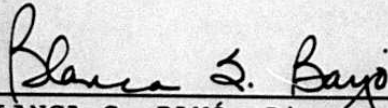
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement agreement between Vanguard School of Lake Wales, Florida and MCI Telecommunications Corporation is hereby approved. It is further

ORDERED that the Motion to Dismiss Petition filed with the Division of Administrative Hearings by Vanguard School of Lake Wales, Florida is hereby acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 9th day of April, 1999.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

JAM

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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.

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ATTACHMENT A



MCI Telecommunications  
Corporation

Law & Public Policy  
780 Johnson Ferry Road  
Suite 700  
Atlanta, GA 30342  
404 267 6391  
Fax 404 267 5992

BY FACSIMILE TRANSMISSION  
AND FIRST CLASS MAIL DELIVERY

January 27, 1999

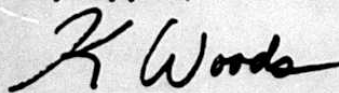
Norman White, Esq.  
Bradley Johnson Law Firm, P.A.  
225 East Park Avenue  
P.O. Box 1260  
Lake Wales, FL 33859-1260

RE: Complaint of Vanguard School of Lake Wales (Sandra Odom)

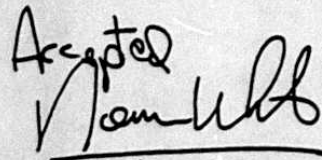
Dear Mr. White:

This will confirm that MCI has approved settlement of this matter, on the basis that your client pays \$32,000 and issues a full release to MCI. Within the next couple of days I will forward a form Settlement Agreement and Release to you for signature, with payment instructions. You are authorized to so inform the Division of Administrative Hearing. If you have any questions give me a call at (800) 525-5406. Thanking you for your assistance, I am

Very truly yours,

  
Kennard B. Woods

Cc: Kevin Gallagher, Esq.  
Marsha Ward, Esq.  
Mary Kennedy  
Cheryl Mackey  
Scott Klahn

  
Atty for petitioner