

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Capital  
Services of South Florida, Inc.  
against Intermedia  
Communications, Inc. regarding  
failure to comply with contract  
for telecommunications services.

DOCKET NO. 980520-TI  
ORDER NO. PSC-99-2086-FOF-TI  
ISSUED: October 22, 1999

The following Commissioners participated in the disposition of this matter:

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

ORDER DISMISSING COMPLAINT

BY THE COMMISSION:

Intermedia Communications, Inc. (Intermedia) is a regulated Interchange Carrier. On November 12, 1997, Intermedia contracted with Capital Services of South Florida, Inc. (Capital) to provide Capital with long distance telecommunications services. On April 13, 1998, Capital filed a Complaint with this Commission, alleging that Intermedia had breached that contract. On April 15, 1998, Capital filed an Amended Complaint, wherein one paragraph was added to the original complaint. On May 5, 1998, Intermedia filed a Motion to Abate or in the Alternative Stay the Complaint of Capital. On May 15, 1998, Capital filed their Response to Intermedia Communications Inc.'s Motion to Abate or in the Alternative Stay. On June 3, 1998, Intermedia filed a reply to Capital's Response.

During the several months following the filing of the Complaint, our staff requested from Capital additional details of the alleged breach of the agreement. After significant delays in responding to these requests, on December 8, 1998, Capital provided a billing summary of the disputed terms of their Agreement with Intermedia. The summary did not demonstrate an adequate basis for

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-2086-FOF-TI  
DOCKET NO. 980520-TI  
PAGE 2

action by this Commission. On June 23, 1999, we were advised by Counsel for Capital that it was withdrawing from the case because of "irreconcilable differences" with Capital. Thereafter, our staff contacted the replacement counsel and advised him that, unless we received documentation supporting the Complaint, we would not proceed in the processing of this dispute. As of this date, we have heard nothing further from Capital. Both parties were appropriately noticed of the Agenda Conference where this matter was addressed. Neither party attended the Conference.

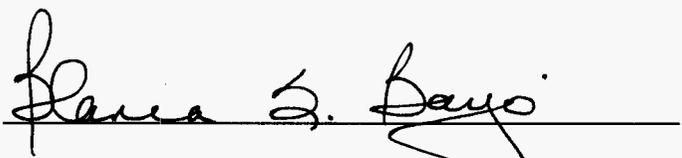
Based on the foregoing, this complaint shall be dismissed, without prejudice, because the Complainant, Capital Services of South Florida, Inc., has not sustained its burden of going forward with the prosecution of its Complaint.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Complaint of Capital Services of South Florida, Inc. against Intermedia Communications, Inc. is hereby dismissed, without prejudice. It is further

ORDERED that this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of October, 1999.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CLF

ORDER NO. PSC-99-2086-FOF-TI  
DOCKET NO. 980520-TI  
PAGE 3

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.