

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of Orlando Telephone Company regarding enforcement of interconnection agreement with Sprint-Florida, Incorporated.

DOCKET NO. 990884-TP  
ORDER NO. PSC-99-2307-PCO-TP  
ISSUED: November 30, 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 GRANTING ORLANDO TELEPHONE COMPANY INC.'S  
MOTION TO REQUIRE COMPLIANCE WITH  
THE DISPUTE RESOLUTION PROVISIONS OF  
THE INTERCONNECTION AGREEMENT

BY THE COMMISSION:

On July 7, 1999, Orlando Telephone Company (OTC) filed a Complaint for Enforcement of its Interconnection Agreement with Sprint-Florida, Incorporated (Sprint). In its Complaint, OTC alleges Sprint owes OTC approximately \$232,622.36 for terminating interstate switched access. On July 28, 1999, Sprint filed its Answer to the Complaint.

On September 2, 1999, OTC filed a Motion to Require Compliance with Dispute Resolution Provisions of the Interconnection Agreement requesting us to order Sprint to pay one-half of the amount in dispute. On September 17, 1999, Sprint filed its Response to OTC's Motion to require immediate compliance with dispute resolution provisions of interconnection agreement.

At the October 19, 1999, Agenda Conference, we voted to order Sprint to pay \$116,311.18 of the amount in dispute but directed staff to first research the issue of the acceptable form of security to guarantee the \$116,311.15 pending our final decision on the issues in this case and bring the matter back to us. Our

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Division of Auditing and Financial Analysis (AFAD) researched the question.

AFAD considered the criteria for a corporate undertaking, which includes sufficient liquidity, equity capitalization, interest coverage, and profitability to guarantee any potential refund. AFAD also reviewed the unaudited financial statements of OTC for the twelve months ended December 31, 1998, and the eight months ended August 31, 1999. Our AFAD staff confirmed that although OTC's equity ratio is below 30 percent, the company's financials reflect adequate liquidity, sufficient profitability, and a strong interest coverage ratio. Based upon the foregoing, we approve a corporate undertaking for the amount of \$116,311.18.

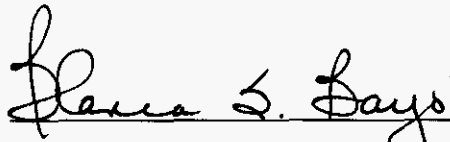
It is therefore,

ORDERED by the Florida Public Service Commission that Sprint-Florida, Incorporated shall pay to Orlando Telephone Company \$116,317.18 of the amount in dispute in this docket. It is further

ORDERED that Orlando Telephone Company shall provide a corporate undertaking to guarantee until the underlying complaint is resolved by the Commission. It is further

ORDERED that interest shall accrue on the unsecured amount at the 30-day commercial paper rate in accordance with rule 25-4.114, Florida Administrative Code.

By ORDER of the Florida Public Service Commission this 30th day of November, 1999.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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.