

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. against BellSouth Telecommunications, Inc. regarding enforcement of interconnection agreement.

DOCKET NO. 990036-TP
ORDER NO. PSC-00-0820-FOF-TP
ISSUED: April 25, 2000

The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING NOTICE OF WITHDRAWAL

BY THE COMMISSION:

On January 8, 1999, e.spire Communications, Inc., on behalf of its operating subsidiaries, American Communications Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (e.spire) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth) concerning disputes arising under the parties' interconnection agreement. On January 28, 1999, BellSouth filed a Motion to Dismiss e.spire's Complaint. On February 5, 1999, e.spire filed a Motion for Extension of Time to file its response to the Motion to Dismiss, and on February 19, 1999 it filed its Response.

An issue identification meeting was scheduled by our staff for February 22, 1999; however, this meeting, as well as the hearing schedule, was canceled, based upon the parties' request and their indication that they were seeking to reach an agreement to resolve

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their dispute. The matter was held in abeyance pending the settlement negotiations of the parties.

After receiving no word from the parties regarding the status of their negotiation efforts, our staff scheduled an informal conference for September 13, 1999. At the conference, the parties agreed that they would advise our staff by September 27, 1999, whether they had successfully resolved their dispute, or whether the case would need to proceed to hearing. On September 27, 1999, our staff contacted both parties and was informed that no settlement had been reached. Accordingly, in an effort to move the case toward resolution, our staff scheduled BellSouth's still pending Motion to Dismiss e.spire's Complaint for consideration by the assigned Commission panel at an upcoming Agenda Conference.

On September 28, 1999, e.spire filed a Motion for Continuance. By Order No. PSC-99-2128-PCO-TP, issued October 27, 1999, a continuance of the case was granted through December 31, 1999. Accordingly, our staff established a new hearing schedule to commence at the expiration of the continuance, and the matter was set for hearing on September 7, 2000.

Following the expiration of the continuance, our staff again scheduled an informal conference for March 8, 2000, to determine the status of the parties' settlement negotiations. On February 4, 2000, however, e.spire filed a Notice of Withdrawal of its Complaint. In its Notice, e.spire did not provide a reason for the withdrawal, but only requested that the withdrawal be acknowledged without prejudice and the docket closed. BellSouth did not respond to the Notice. Accordingly, our staff sought, and received, permission from the Chairman's office to cancel the September 7, 2000, hearing.

Upon consideration, we find it appropriate to acknowledge e.spire's withdrawal of its Complaint. In addition, we note that our acknowledgment renders moot BellSouth's still pending Motion to Dismiss. Since no further action is necessary, this docket may be closed.

Based on the foregoing, it is

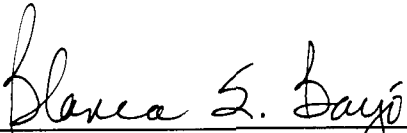
ORDERED by the Florida Public Service Commission that the Notice of Withdrawal of Complaint of e.spire Communications, Inc., on behalf of its operating subsidiaries, American Communications Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc.

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and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. is hereby acknowledged. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 25th day of April, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DMC

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.

MEMORANDUM

April 24, 2000

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *DMC DIC*

RE: DOCKET NO. 990036-TP - REQUEST FOR ARBITRATION
CONCERNING COMPLAINT OF AMERICAN COMMUNICATION SERVICES
OF JACKSONVILLE, INC. D/B/A E.SPIRE COMMUNICATIONS, INC.
AND ACSI LOCAL SWITCHED SERVICES, INC. D/B/A E.SPIRE
COMMUNICATIONS, INC. AGAINST BELLSOUTH
TELECOMMUNICATIONS, INC. REGARDING ENFORCEMENT OF
INTERCONNECTION AGREEMENT.

6820-FOF

Attached is an ORDER ACKNOWLEDGING NOTICE OF WITHDRAWAL, to be
issued in the above-referenced docket. (Number of pages in order
- 4)

DMC/anc
Attachment
cc: Division of Communications (Favors)
I: 990036o.dmc