

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Number Utilization
Study: Investigation into
Number Conservation Measures.

DOCKET NO. 981444-TP
ORDER NO. PSC-00-1527-FOF-TP
ISSUED: August 22, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER

ORDER DENYING MOTION FOR RECONSIDERATION,
DISMISSING PROTEST OF PROPOSED AGENCY ACTION,
AND CONSUMMATING PROPOSED AGENCY ACTION PORTIONS OF ORDER NO.
PSC-00-1046-PAA-TP

BY THE COMMISSION:

BACKGROUND

As part of our ongoing effort to conserve area codes, on April 2, 1999, we filed a petition with the FCC seeking authority to implement number conservation measures, which would help minimize consumer confusion and expenses associated with imposing new area codes too frequently.

On September 15, 1999, the FCC issued Order No. FCC 99-249 granting our Petition for Delegation of Additional Authority to Implement Number Conservation Measures. In our Order, the FCC granted us interim authority to:

- (1) Institute thousands-block pooling by all local number portability (LNP)-capable carriers in Florida;
- (2) Reclaim unused and reserved NXX codes;
- (3) Maintain rationing procedures for six months following area code relief;
- (4) Set numbering allocation standards;
- (5) Request number utilization data from all carriers;
- (6) Implement NXX code sharing; and

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(7) Implement rate center consolidation.

At our February 29, 2000, Agenda Conference, we approved portions of staff's recommendation to exercise the federal authority to conserve telephone numbers and delay the early exhaustion of area codes in Florida. At the Agenda, a number of concerns were raised by the industry and the North American Numbering Plan Administrator (NANPA) regarding staff's recommendation to implement various portions of the FCC's Order. We voted to require immediate NXX code reclamation for wireline and wireless carriers in all of Florida's Numbering Plan Areas (NPAs), and thousands-block number pooling for wireline carriers in the 954, 561, and 904 area codes, beginning May 1, July 1, and October 1, 2000, respectively. In addition, we established criteria for obtaining initial numbering resources, approved mandatory thousands-block number management procedures, and instituted a process to verify and reconcile numbering resource data available from different sources, all of which are equally applicable to wireline and wireless carriers. On March 16, 2000, Order No. PSC-00-543-PAA-TP was issued memorializing this decision.

In response to that PAA Order, a number of Florida code holders (Florida Code Holders Group or FCHG) submitted on March 23, 2000, an explanatory letter and Number Pooling Implementation Plan for the 954, 561, and 904 area codes. The FCHG filed this plan because they believed that the number pooling implementation time line set forth in the PAA Order was not feasible and that their alternative time line would not materially affect the exhaust lives of the applicable area codes. In addition, the FCHG sought implementation of thousands-block number pooling using software release version 3.0 (SR30) which we had specifically rejected in our decision. The PAA Order scheduled software release 1.4 (SR14) for implementation in the 954 and 561 area codes on May 1, 2000 and July 1, 2000, respectively.

On March 31, 2000, our staff held an implementation meeting with NeuStar, the proposed pooling administrator, and the industry. This meeting was concluded with an understanding among the participants that implementing thousands-block number pooling would take anywhere from 96 to 132 days, plus any upgrades and testing necessary, prior to pooling.

On March 31, 2000, the FCC issued a Report and Order and Further Notice of Proposed Rule Making, (FCC 00-104) in the matter of Number Resource Optimization. We believe that this Order does

not affect our delegated authority nor has any party suggested that our authority is affected. In FCC 00-104 at paragraph 4, the FCC addressed the two major factors that contribute to number resource exhaustion:

the absence of regulatory, industry, or economic control over requests for numbering resources, which permits carriers to abuse the allocation system and stockpile numbers, and the allocation of numbers in blocks of 10,000, irrespective of the carrier's actual need for new numbers.

In addition, the FCC addressed other number conservation measures, as well as issues related to the future implementation of thousands-block number pooling on a national basis.

On April 6, 2000, a formal protest of Order No. PSC-00-0543-PAA-TP was filed by a number of parties¹ (Joint Petitioners). Specifically, the Joint Petitioners protested and sought a hearing regarding only the portions of the PAA order that related to: (1) mandatory implementation of thousands-block pooling; (2) thousands-block pooling software release and implementation dates; and (3) designation of a pooling administrator.

The remaining portions of the Order were not protested by the Joint Petitioners. Thus, those portions are deemed stipulated pursuant to Section 120.80(13)(b), Florida Statutes.

In addition, on April 6, 2000, Ms. Peggy Arvanitas filed comments responding to the informal Florida NXX Code Holders Group's plan and protested a portion of the PAA Order. On April 11, 2000, the Joint Petitioners filed an Offer of Settlement to Resolve the Number Pooling Implementation Protest of our PAA Order.

¹ ALLTEL Communications, Inc.; AT&T Communications of the Southern States, Inc.; AT&T Wireless Services, Inc.; BellSouth Mobility, Inc.; BellSouth Telecommunications, Inc.; Florida Cable Telecommunications Association; Global NAPs, Inc.; GTE Service Corporation; Intermedia Communications; MCI WorldCom, Inc.; Media One Communications; Florida Telecom, Inc.; Sprint Spectrum Ltd., d/b/a Sprint PCS; Sprint Communications Company Ltd Partnership; Sprint-Florida, Inc.; Time Warner Telecom of Florida, L.P.; Trivergent Communications, Inc.

The Offer of Settlement addresses many of the same issues set forth in the Florida NXX Code Holders Group's Number Pooling Implementation Plan for the 954, 561, and 904 NPAs.

On April 13, 2000, Ms. Arvanitas filed a clarification to her original filing stating that she is "Protesting and challenging the industry's protest to number pooling." On April 17, 2000, the Joint Petitioners filed an additional provision to their Plan stating that they would implement SR14 if SR30 is not available by the specified dates.

On May 30, 2000, proposed agency action Order No. PSC-00-1046-PAA-TP, was issued approving the offer of settlement and dismissing the protest of Ms. Arvanitas. On June 20, 2000, Ms. Arvanitas filed Peggy Arvanitas's Motion for Reconsideration of Order No. PSC-00-1046-PAA-TP (Motion). On July 3, 2000, AT&T Communications of the Southern States, Inc., AT&T Wireless Services, Inc. (AT&T), and MCI WorldCom, Inc. (WorldCom) filed their Response to Motion for Reconsideration. On July 7, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed its Response to the Motion for Reconsideration of Ms. Arvanitas. Also on July 7, 2000, Sprint-Florida Incorporated, Sprint Communications Company Limited Partnership, and Sprint PCS (collectively Sprint) filed their concurrence in AT&T and MCIWorldCom's Response.

ARGUMENTS

Ms. Arvanitas

Ms. Peggy Arvanitas filed her Motion for Reconsideration of Order No. PSC-00-1046-PAA-TP, pursuant to Rules 25-22.060 and 28-106.204, Florida Administrative Code. Ms. Arvanitas seeks "reconsideration and clarification according to four statements" to the Order.

a. Rulemaking for voluntary stipulation

Ms. Arvanitas argues that Order No. PSC-99-1393-S-TP directs Commission staff to initiate rulemaking in anticipation of necessary authority from the FCC for conservation measures. Ms.

Arvanitas explains that she recommends "to the Commission that we go back into Rulemaking like we were supposed to and define the Voluntary Stipulation." Ms. Arvanitas appears to argue that we are required to go to rulemaking because the authority from the FCC that we were awaiting had been received, so the requirements of Section 120.54(1)(b), Florida Statutes, and our own order have been met. Ms. Arvanitas contends that we have, therefore, erred by failing to initiate rulemaking.

Ms. Arvanitas also contends that "once the voluntary stipulation was incorporated into an order, you cannot modify that document, and incorporate this modification into future orders, without going into rulemaking, as per FS 120." Ms. Arvanitas adds that "according to my April 6, 2000, filing I stipulate this fact which was ignored."

Ms. Arvanitas asserts that we cannot accept any modification to the voluntary stipulation according to Section 120.80(13)(b), Florida Statutes. In support of her position, Ms. Arvanitas cites staff's recommendation which notes that pursuant to Section 120.80(13)(b), Florida Statutes, portions of the PAA Order that were not protested are deemed stipulated. Although not entirely clear, it appears Ms. Arvanitas's point is that because no one challenged the Commission's directive to initiate rulemaking, that no other action can take place other than rulemaking.

Ms. Arvanitas contends that we should delete any modification to Order No. PSC-99-1393-S-TP, and open up the Voluntary Stipulation to Rulemaking. Ms. Arvanitas adds that rulemaking is the forum for which donation of only uncontaminated numbers should be addressed.

- b. Timetable implementation schedules for 3.0 and/or 1.4 software.

Ms. Arvanitas next argues that the software implementation dates were erroneous and not within the May 5, 2000 hearing transcripts filed. Ms. Arvanitas asserts "the 3.0 software, if it is implemented, was to be on line by all carriers for a January 22, 2001, time frame." Ms. Arvanitas argues that the purpose of the discussion at the hearing was to "allow for a plan "B" so that, regardless [sic] of the availability or unavailability of 3.0, 954 would not be left without a safety net."

Ms. Arvanitas asks that we "define a back up date for the probability that 3.0 has more software glitches, and cannot be implemented." She adds that we need to define "dates that the delivery of 3.0 would be in default, and a timetable for implementation of 1.4 by December 4, 2000, as per the Commissioner's conversations."

c. Cost recovery issues

Ms. Arvanitas argues that Order No. PSC-00-1046-PAA-TP was incorrect as to her statements concerning cost recovery issues. She asserts that the Order was incorrect that the costs were not known for cost recovery. Ms. Arvanitas argues "I told them what they weren't charging for," Ms. Arvanitas adds that she challenged BellSouth's contention that it needed reimbursement for "OSS upgrades". She states that the costs were "portability cost upgrades, as per FCC 95-116 3rd order, May 1998." She continues that:

if they were LNP capable and that might be a reason why we are being asked to delay number pooling? As per LSMS, SCP upgrades, I directed them to read a copy of FCC 00-104, paragraph 216, which said that was a direct cost and not "competitively neutral" as per 1996 Telecommunication's [sic] Act Section 251.

Ms. Arvanitas concludes by stating "that meant they could not charge the consumer a federal end user charge." (Motion at 5)

Finally, Ms. Arvanitas argues that the Order incorrectly stated that we "cannot order NANPA to cease and desist in the allocation of numbers if the State of Florida has a problem with compliance."

Ms. Arvanitas does not request any relief with regard to this issue.

d. INC Pooling Guidelines

Finally, Ms. Arvanitas contends that the Proposed Stipulation attempts to "exclude any revision of the INC Number Pooling Guidelines after February 28, 2000, from being incorporated." Ms. Arvanitas asserts that FCC Order 00-104 requires "NANPA/NeuStar

pooling administrator to incorporate the very unified State's revisions in Number Pooling Contracts." Ms. Arvanitas suggests the Commission modify its order to be in compliance with the FCC's requirements.

RESPONSES

AT&T and WorldCom

In their Response, AT&T and WorldCom state that no code holder, carrier, or other interested party has filed with the Commission Clerk a formal protest of the Order. AT&T and WorldCom further state that no party filed a petition on the PAA; accordingly, they assert the Order should be deemed final agency action with respect to the PAA matters, and specifically the number pooling plans for the 954, 561, and 904 NPAs discussed therein.

AT&T and WorldCom note that Ms. Arvanitas filed on June 19, 2000, "a document she labels Peggy Arvanitas's Motion for Reconsideration of Order No. PSC-00-1046-PAA-TP" which included an attached certificate of service, and state that "this certificate does not indicate that a copy was served on the undersigned counsel" AT&T and WorldCom add that "notwithstanding the indication that service had been made on the other parties to the docket, [representatives from other parties have indicated] that they have not received a copy of Ms. Arvanitas's Motion." AT&T and WorldCom assert that given the absence of service on counsel, the times specified in Rules 28-106.103 and 28-106.204, Florida Administrative Code, should not apply to the Response.

AT&T and WorldCom assert that to the extent Ms. Arvanitas's Motion is seeking reconsideration of any of the PAA provisions of the Order, Rule 25-22.060(1)(a), Florida Administrative Code, specifically states that the Commission will not entertain a motion for reconsideration of a PAA order. Thus, AT&T and WorldCom contend that we should dismiss Ms. Arvanitas's Motion.

AT&T and WorldCom further argue that to the extent that the Motion goes to the final determinations in the Order regarding the denial of Ms. Arvanitas's comments on the original number conservation measures adopted in Order No. PSC-00-0543-PAA-TP, a motion for reconsideration of that decision would not be appropriate. AT&T and WorldCom contend that such a motion has nothing to do with the adoption of the number pooling plan in the Order, and as such, the Motion should not be considered a barrier

or impediment to the adoption or implementation of the number pooling plan approved by the Order.

AT&T and WorldCom assert that if Ms. Arvanitas's Motion is a protest of the number pooling plan adopted by the Order, the Motion fails to fulfill the legal requirements for a protest. (See 28-106-201, Florida Administrative Code) AT&T and WorldCom contend that the Motion should not be considered or deemed a protest of the PAA provisions of the Order.

AT&T and WorldCom further state that they have specific substantive objections to the matters identified in Ms. Arvanitas's Motion: there is no basis for reconsidering the rejection of rulemaking for number pooling; the timetable approved for number pooling does address implementation of both Software Release 3.0 and 1.4, in the event 3.0 cannot be implemented; the Commission has not adopted a specific cost recovery plan as one will be addressed in a later proceeding; and the number pooling plan, as adopted, specifically provides that the INC guidelines employed will be the most currently approved version.

Finally, AT&T and WorldCom urge us to address the motion as quickly as possible to resolve any potential delay in implementing the Order.

BellSouth

In its Response, BellSouth echoes AT&T's and WorldCom's arguments. BellSouth asserts that no codeholder, carrier, or other interested party has filed a formal protest of this Order. Thus, the Order should be deemed final agency action with respect to the proposed agency action (PAA) matters, specifically the number pooling plans for the 954, 561, and 904 NPA's discussed therein.

BellSouth declares that Ms. Arvanitas did not serve a copy of her Motion on BellSouth. Having received a copy from the Commission Clerk on June 30, 2000, BellSouth asserts that its response is timely filed.

BellSouth contends that Ms. Arvanitas's Motion should be denied to the extent she seeks reconsideration of any of the PAA provisions of the Order. BellSouth argues Rule 25-22.0601(1)(a), Florida Administrative Code, specifically states that the Commission will not entertain a motion for reconsideration of a PAA Order. BellSouth adds that if Ms. Arvanitas's intent in filing her

Motion was to seek reconsideration of our final action, such as her challenge to Order No. PSC-00-0543-PAA-TP, a request for reconsideration of that decision may be procedurally appropriate, provided she can demonstrate she has standing to raise such issues and other procedural requirements are met. Agreeing with AT&T and WorldCom, BellSouth argues that such a Motion would not affect the proposed agency actions in the Order, such as the adoption of the number pooling plan. BellSouth concludes that the Motion should not be considered a barrier or impediment to the adoption or implementation of the number pooling plan approved by the Order.

BellSouth contends that Ms. Arvanitas's Motion fails to fulfill the legal requirements of a protest if she intends her Motion to be construed as a protest of the number pooling plan adopted by the Order. (See 28-106.201, Florida Administrative Code) In addition, BellSouth, like AT&T and WorldCom, has specific substantive objections to the matters identified in Ms. Arvanitas's Motion including those identified by AT&T and WorldCom in their Response. Moreover, BellSouth contends that Ms. Arvanitas's Motion is replete with factual inaccuracies and misunderstandings of our and the FCC's rulings. BellSouth requests the right to address the merits of Ms. Arvanitas's issues at a later time should the Commission decide Ms. Arvanitas is entitled to a hearing on the merits of her Motion.

Finally, BellSouth urges us to address Ms. Arvanitas's Motion as quickly as possible to resolve any potential delay it may cause to the timely implementation of our Order with regard to number pooling in the 954, 561, and 904 area codes.

Sprint

Sprint filed a Concurrence in AT&T and WorldCom's response to Ms. Arvanitas's Motion for Reconsideration.

DETERMINATION

Based upon the representations by the respondents that they did not receive a copy of Ms. Arvanitas's Motion, we will treat their responses as timely filed.

Order No. PSC-00-1046-PAA-TP, was a combined final and proposed agency action order. It was a proposed agency action regarding approval of the Joint Petitioners' Offer of Settlement as amended, with all other matters, including the dismissal of Ms.

Arvanitas's Protest, the selection of NeuStar as the Interim Number Pooling Administrator, and the stipulated unprotested portions of Order No. PSC-00-0543-PAA-TP, being final agency actions. We find that it is appropriate to address Ms. Arvanitas's issues relating to the timetable implementation schedules for SR30 and SR14 and the INC Pooling Guidelines within the context of a protest to the proposed agency action as these issues were a part of the approved agreement. Further, we find that Ms. Arvanitas's remaining issues relating to rulemaking for the voluntary stipulation and cost recovery should be addressed in the context of a motion for reconsideration as the determination of these issues was final agency action.

The Proposed Agency Action

Rule 25-22.060(1)(a), Florida Administrative Code, provides in part:

Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order The Commission will not entertain a motion for reconsideration of a Notice of Proposed Agency Action issued pursuant to Rule 25-22.029, regardless of the form of the Notice and regardless of whether or not the proposed action has become effective under Rule 25-22.029(6).

Because our rule precludes reconsideration of proposed agency actions, we find that the portion of Ms. Arvanitas's Motion asking for reconsideration of the issues addressed by the proposed agency action shall be dismissed.

Notwithstanding our finding that Ms. Arvanitas' Motion for Reconsideration is dismissed with respect to the issues decided by proposed agency action, we have examined the merits of Ms. Arvanitas' arguments for informational purposes in an effort to address her concerns. As stated earlier, Ms. Arvanitas argues that the implementation dates for the SR14 software should be revised to define the dates that the delivery of SR30 would be in default, and a timetable for implementation of SR14 by December 4, 2000. We believe that the Order currently provides for these eventualities. (Order at 12-13) Moreover, we believe that the Order correctly

reflected the Commission's intent with respect to the implementation of SR30 and SR14. Our vote provides:

The companies accepted the Commission's modification to move implementation of the 954 area code to 1/22/01 with the understanding that if 1/22/01 cannot be met with 3.0, 1.4 has to be implemented. If companies have to implement 1.4, they will not seek to recover those related costs.

(See Vote sheet dated May 5, 2000.) Therefore, the Order correctly reflects our intent as discussed at the May 5, 2000, agenda conference.

We believe that Ms. Arvanitas's suggestion that the Order be modified to allow for revisions to the INC Number Pooling Guidelines after February 28, 2000, is also without merit as the Order provides for just that. Paragraph 10 of the approved plan provides that subsequently modified INC Guidelines will be utilized upon being approved and becoming effective pursuant to the INC. (See Order No. PSC-00-1046-PAA-TP, pg. 44.)

Even if Ms. Arvanitas's Motion for Reconsideration was accepted as a protest of the PAA portion of the Order, it fails to state a claim for which relief can be granted, and therefore, would be dismissed. See Varnes v. Dawkins, 624 So. 2d 349, 350 (Fla. 1st DCA 1993). All of the elements of the cause of action must be properly alleged in a pleading that seeks affirmative relief. If they are not, the pleading should be dismissed. Kislak v. Kredian, 95 So. 2d 510 (Fla. 1957).

Finally, we believe that Ms. Arvanitas has failed to properly demonstrate standing to protest our Order. Ms. Arvanitas must show whether her substantial interests have been affected before the Commission can consider her Motion. The Notice of Further Proceedings or Judicial Review attached to the Order provides:

Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding in the form provided by Rule 28-106.201, Florida Administrative Code.

Moreover, Uniform Rule 28-106-201(2)(b), Florida Administrative Code, requires:

The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, . . . and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(emphasis supplied.) While Ms. Arvanitas notes that she is representing herself, nowhere in her Motion does she describe how the actions of implementing the software or the adoption of the INC guidelines affect her. Moreover, the Order set the implementation of software for number pooling in the 954 area code, not the 727 area code where Ms. Arvanitas lives. Therefore, we find that Ms. Arvanitas's Motion could also be dismissed for lack of standing.

Thus, for the above reasons, we find that the portion of Ms. Arvanitas' Motion requesting reconsideration of the PAA portions of Order PSC-00-1046-PAA-TP is dismissed.

The Final Order

The standard of review for a motion for reconsideration is whether the motion identifies a point of fact or law which was overlooked or which we failed to consider in rendering our Order. See Stewart Bonded Warehouse, Inc. v. Bevis, 294 So. 2d 315 (Fla. 1974); Diamond Cab Co. v. King, 146 So. 2d 889 (Fla. 1962); and Pingree v. Quaintance, 394 So. 2d 161 (Fla. 1st DCA 1981). In a motion for reconsideration it is not appropriate to reargue matters that have already been considered. Sherwood v. State, 111 So. 2d 96 (Fla. 3rd DCA 1959); citing State ex. Rel. Jaytex Realty Co. v. Green, 105 So. 2d 817 (Fla. 1st DCA 1958). Furthermore, a motion for reconsideration should not be granted "based upon an arbitrary feeling that a mistake may have been made, but should be based upon specific factual matters set forth in the record and susceptible to review." Steward Bonded Warehouse, Inc. v. Bevis, 294 So. 2d 315, 317 (Fla. 1974).

In her Motion, Ms. Arvanitas argues that we were required to "initiate rulemaking in anticipation of necessary authority from the FCC for conservation measures." We believe that Ms. Arvanitas has not shown any mistake of fact or law or raised any legal argument that prohibited us from approving the proposed plan. The

Order correctly found that "there is nothing in Order No. PSC-99-1393-S-TP which was issued in a separate docket that prohibits us from adopting those previously accepted measures in the PAA Order in this docket." We also correctly stated that "there is nothing to prohibit us from exercising our authority granted in FCC Order No. 99-249 to proceed with requiring mandatory conservation measures." Moreover, we believe that Ms. Arvanitas is rearguing matters that we have already considered. Finally, Ms. Arvanitas has not identified a mistake of fact or law regarding our finding that "it has not been feasible or practicable to begin rulemaking given the FCC's actions and the exigencies of area code jeopardy in this state." Id. We disagree with Ms. Arvanitas' contention that a review of the "chronology time table to affirm or deny the FS 120.54" [will indicate an invalid application of the statutes] and, as such, do not find she has met the pleading standards that require us to grant reconsideration.

Finally, we believe Ms. Arvanitas' arguments also fail to disclose a mistake of fact or law that requires us to grant reconsideration of the cost recovery issue. The Order provides that we acknowledge the FCC's rules and orders requiring us to resolve any matters related to cost recovery under the federal law and agree to open a docket to address this issue. This means that a docket will be established to address cost recovery issues and, in that process, should an order be issued, the order will follow applicable federal law. The Order did not reflect any judgment as to what costs, if any, would or would not be recovered.

Thus, for the above reasons, we find it appropriate to deny that portion of Ms. Arvanitas's Motion that seeks reconsideration of the final agency action portions of our Order. We find that Ms. Arvanitas' Motion fails to identify a point of fact or law which was overlooked or which we failed to consider in rendering our Order. In addition, we find that Ms. Arvanitas is rearguing matters that we have already considered. We find it reasonable to consummate the proposed agency action portion of the Order and the final agency action portions of the Order shall also be implemented without any further delay.

Based upon the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that Ms. Arvanitas's Motion requesting reconsideration the issues contained in the final agency action portion of Order No. PSC-00-1046-PAA-TP is denied as discussed in the body of this Order. It is further

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ORDERED that the remaining portions of Ms. Arvanitas's Motion seeking reconsideration of the issues addressed in our proposed agency action are dismissed on our own motion as discussed in the body of this Order. It is further

ORDERED that Order No. PSC-00-1046-PAA-TP, issued May 30, 2000, has become effective and final. It is further

ORDERED that this docket shall remain open pending the resolution of the remaining issues.

By ORDER of the Florida Public Service Commission this 22nd day of August, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

DWC

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

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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.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requestion for Photocopying and Mailing

Date 8/2/04
 Number of Originals 10 Copies Per Original 10
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Item Presented
 Agenda For (Date) _____ Order No. 00-1527 In Docket No. 00-1407
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions
* All set [unclear] [unclear]

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PSC/RAR 12(9/99)

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~~401-700~~ 701-800 ✓
 901-1000 ✓
 1001-1100 ✓
 1101-1200 ✓
 1201-1300 ✓
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 1401-1500 ✓
 1501-1600 ✓
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 1801-1900 ✓
 1901-2000 ✓

1-
 [unclear]

MEMORANDUM

August 4, 2000

00 AUG 22 PM 1:48

RECEIVED-PRSC

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *DWC*
RE: DOCKET NO. 981444-TP - NUMBER UTILIZATION STUDY:
INVESTIGATION INTO NUMBER CONSERVATION MEASURES

1527-FDF

Attached is an ORDER DENYING MOTION FOR RECONSIDERATION AND DISMISSING PROTEST OF PROPOSED AGENCY ACTION to be issued in the above-referenced docket. (Number of pages in order - 15)

DWC
Attachment
cc: Division of Competitive Services (ILERI)
I:981444o.dwc

*3,
See 4, 8*

Self memo.

1700

sent to mailroom