

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration
concerning complaint of The
Other Phone Company, Inc. d/b/a
Access One Communications
against BellSouth
Telecommunications, Inc.
regarding breach of resale
agreement.

DOCKET NO. 990108-TP
ORDER NO. PSC-01-0917-FOF-TP
ISSUED: April 9, 2001

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER
BRAULIO L. BAEZ

ORDER DISMISSING COMPLAINT

BY THE COMMISSION:

On January 29, 1999, The Other Phone Company, Inc. d/b/a
Access One Communications (Access One) filed a complaint against
BellSouth Telecommunications, Inc. (BellSouth) for breach of its
resale agreement. The matter was set for an administrative hearing
on August 11, 1999. On August 11, 1999, Access One and BellSouth
filed a Joint Motion for Continuance. In the Joint Motion, the
parties indicated that negotiations were underway, and they were
hopeful that the negotiations would result in settlement of all
issues. On August 12, 1999, this Commission entered Order No. PSC-
99-1584-PCO-TP, granting the joint Motion for Continuance. The
Order did not specify any new hearing dates.

Since that time, there has been no activity of any type on
this docket. There have been no pleadings filed by Access One for
the last 16 months. On November 29, 2000, BellSouth filed a Motion
to Dismiss Complaint.

Our staff made several unsuccessful attempts to contact any
Access One attorney of record in this Docket. An Access One
company official indicated that it would immediately provide a

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document via facsimile to us which would either withdraw the complaint or agree to the Motion to Dismiss. That document was received on March 7, 2001, when we received a letter from an Access One attorney, representing that Access One consents to the dismissal of the Complaint in this Docket.

We retain primary authority to enforce the substantive terms of agreements we have approved pursuant to Sections 251 and 252 of the Act; therefore, we have jurisdiction in this matter.

BellSouth filed its Motion to Dismiss Complaint pursuant to Rule 1.42(e), Florida Rules of Civil Procedure and Rule 28-106.204, Florida Administrative Code. In support of its Motion, BellSouth alleges that it continued to have settlement discussions with Access One for a short time following the continuance of the Hearing. All discussions ended, however, in late 1999. BellSouth has had no discussions with Access One regarding this Docket in more than a year. In view of the passage of more than a year since any activity has occurred in this Docket, BellSouth urges that the Complaint be dismissed. We, also, note that, on May 9, 2000, we approved a successor agreement to the one under which this complaint arose.

In view of Access One's failure to pursue its Complaint with any diligence whatsoever, and its apparent consent to a dismissal, we, hereby, grant BellSouth's Motion to Dismiss Access One's Complaint.

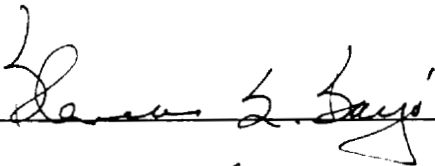
Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc's Motion to Dismiss Complaint is hereby granted. It is further

ORDERED that this Docket shall be closed.

ORDER NO. PSC-01-0917-FOF-TP
DOCKET NO. 990108-TP
PAGE 3

By ORDER of the Florida Public Service Commission this 9th
Day of April, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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CLF

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 in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. § 252(e)(6).