

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of MCImetro
Access Transmission Services LLC
against Sprint-Florida,
Incorporated for improper
attempt to terminate
interconnection agreement,
request for interim relief, and
request for expedited
processing.

DOCKET NO. 011177-TP
ORDER NO. PSC-02-0018-FOF-TP
ISSUED: January 3, 2002

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL

BY THE COMMISSION:

BACKGROUND

On September 5, 2001, MCImetro Access Transmission Services, LLC (MCImetro), filed its Complaint, Request for Interim Relief and Request for Expedited Processing against Sprint-Florida, Inc. (Sprint). MCImetro requested that this docket be processed utilizing the expedited dispute resolution procedures. The Agreement in dispute was approved by Order No. PSC-97-0565-FOF-TP, issued on May 20, 1997, in Docket No. 961230-TL.

On September 25, 2001, Sprint timely filed its answer to MCImetro's complaint. On September 21, 2001, we issued Order No. PSC-01-1886-PCO-TP, the Order Establishing Procedure, wherein the matter was granted expedited processing. This matter was scheduled for an administrative hearing on December 7, 2001.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

The parties met with a staff mediator on October 30, 2001, and reached a settlement of the disputes in this docket. Subsequently, on November 2, 2001, MCIMetro filed a Notice of Voluntary Dismissal of its Complaint due to MCIMetro's settlement of the matters raised in the complaint with Sprint

VOLUNTARY DISMISSAL

As stated in the Background, MCIMetro filed its Complaint on September 5, 2001 and Sprint timely replied on September 25, 2001. MCIMetro's Complaint requested (a) expedited resolution of Sprint's alleged improper attempt to terminate the Interconnection Agreement (Agreement) between the parties and (b) interim relief requiring the parties to operate under the Agreement while the complaint was pending. By Order No. PSC-01-1886-PCO-TP, this matter was scheduled for an administrative hearing on December 7, 2001, utilizing expedited processing.

By a letter dated September 5, 2001, Sprint notified MCIMetro of its intent to terminate new services to MCIMetro on November 19, 2001. After November 19, 2001, to obtain new services, Sprint would require MCIMetro to have a valid interconnection agreement or an interim agreement until a new interconnection agreement could be negotiated.

Due to these exigent circumstances, our staff encouraged the parties to participate in mediation and offered the assistance of our staff in the mediation process. The parties agreed to participate in mediation and contacted the Division of Appeals to arrange mediation.

Subsequently, Sprint indicated by its October 10, 2001, letter that it would extend the termination date for new services until December 21, 2001. Even though the Agreement would not be terminated by Sprint until after the scheduled hearing, the parties went forward with mediation. On October 30, 2001, mediation was held at the Commission between the parties and the staff mediator. As a result of the mediation, the parties reached a settlement.

On November 2, 2001, MCIMetro filed its Notice of Voluntary Dismissal of its Complaint against Sprint due to the mediated

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settlement of their dispute. Therefore, we acknowledge MCImetro's Notice of Voluntary Dismissal of its Complaint against Sprint.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that MCImetro Access Transmission Services, LLC's Notice of Voluntary Dismissal of its Complaint against Sprint-Florida, Inc., is hereby acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 3rd day of January, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(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.

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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.