

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of BellSouth Telecommunications, Inc. for declaratory statement concerning whether requested provision of telecommunications service to Sprint PCS in Macclenny, Florida, which is not in BellSouth's exchange service, violates BellSouth's General Subscriber Service Tariff for the state of Florida.

DOCKET NO. 020415-TL
ORDER NO. PSC-02-1063-FOF-TL
ISSUED: August 7, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

BY THE COMMISSION:

**ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL OF
PETITION FOR DECLARATORY STATEMENT**

On May 10, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed a Petition for Declaratory Statement in which it asked the Commission to decide whether activating certain of Sprint PCS' assigned NXXs violates Section A35 of BellSouth's General Subscriber Service Tariff. The Commission published notice of BellSouth's petition in the May 31, 2002, issue of the Florida Administrative Weekly. Sprint Corporation, on behalf of its wireless division, Sprint Spectrum, L.P., d/b/a Sprint PCS (Sprint PCS), and Nextel Communications, Inc. (Nextel) filed petitions to intervene accompanied by motions to dismiss the proceedings for lack of subject matter jurisdiction.

On August 6, 2002, BellSouth filed a Notice of Voluntary Dismissal of Petition Without Prejudice, in which it withdrew its

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declaratory statement request. We acknowledge BellSouth's voluntary dismissal. We will not address the petition for declaratory statement, and we note that the Intervenors' motions to dismiss the petition are moot.

It is therefore,

ORDERED that BellSouth Telecommunications Inc.'s Notice of Voluntary Dismissal of Petition Without Prejudice is acknowledged by the Florida Public Service Commission. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 7th day of August, 2002.



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

(S E A L)

MCB

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.

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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.