

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint against AT&T
Communications of the Southern States, LLC
d/b/a AT&T d/b/a Lucky Dog Phone Co. d/b/a
ACC Business d/b/a SmarTalk d/b/a
Unispeaksm Service d/b/a
www.prepayserviceguide.com d/b/a
CONQUEST for failure to pay intrastate access
charges pursuant to Embarq's tariffs, by
Embarq Florida, Inc., f/k/a Sprint-Florida,
Incorporated.

DOCKET NO. 060455-TP
ORDER NO. PSC-06-0967-PCO-TP
ISSUED: November 20, 2006

ORDER GRANTING JOINT MOTION FOR CONTINUED ABEYANCE

On June 14, 2006, Embarq Florida, Inc., f/k/a Sprint-Florida, Incorporated (Embarq), filed its Complaint against AT&T Communications of the Southern States, LLC d/b/a AT&T d/b/a Lucky Dog Phone Co. d/b/a ACC Business d/b/a SmarTalk d/b/a Unispeaksm Service d/b/a www.prepayserviceguide.com d/b/a CONQUEST (AT&T) for failure to pay intrastate access charges pursuant to Embarq's tariffs. On July 10, 2006, AT&T filed its Motion to Dismiss Embarq's Complaint or, in the Alternative, Stay the Proceeding. Embarq filed its Response on July 17, 2006.

On September 18, 2006, we issued Order No. PSC-06-0777-FOF-TP holding this proceeding in abeyance for a 60-day period ending October 30, 2006, while the parties participated in a mediation proceeding held before the Federal District Court for the Western District of Missouri, Case Number 06-0480-CV-W-RED. In addition, we ordered the parties to file a status report at the end of the 60-day abeyance period advising this Commission on the status of the mediation.

On October 30, 2006, the parties filed a Joint Status Report and Motion for Continued Abeyance. The parties inform this Commission that as a result of mediation, they have reached a settlement in principle that should resolve all of the issues in this proceeding. Additionally, the parties assert that they are currently in the process of reducing the settlement into writing, obtaining the necessary approvals, and finalizing the details of the agreement. Accordingly, the parties request a continuance of the abeyance pending finalization of the settlement or a determination that settlement will not occur.

Upon consideration, I find it reasonable and appropriate to grant the parties' Joint Motion for Continued Abeyance. I further find that since both parties in this docket have requested the abeyance, no party will be prejudiced.

DOCUMENT NUMBER-DATE


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FPSC-COMMISSION CLERK

Based upon the foregoing, it is

ORDERED by Commissioner Katrina J. Tew, Prehearing Officer, that the parties' Joint Motion for Continued Abeyance is hereby granted. It is further

By ORDER of Commissioner Katrina J. Tew, as Prehearing Officer, this 20th day of November, 2006.


KATRINA J. TEW
Commissioner and Prehearing Officer

(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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.