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ORIGINAL
FILE COPY

November 9, 1995

Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
Room 110, Easley Building
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: Docket No. 920260-TL

Dear Ms. Bayo:

Enclosed for filing are an original and 15 copies of McCaw Communications of Florida, Inc.'s Petition on Proposed Agency Action in the above-referenced docket.

Please indicate receipt of this document by stamping the enclosed extra copy of this letter.

Your attention to this filing is appreciated.

Sincerely,


Floyd R. Self

ACK
AFA 3
ATT
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Norton
ERS/amb
Enclosures
6 cc: William H. Higgins, Esq.
Parties of Record
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DIVISION OF RECORDS
& REPORTING

DOCUMENT NUMBER-DATE

11172 NOV-95

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of)
revenue requirements and rate) Docket No. 920260-TL
stabilization plan of Southern) Filed: November 9, 1995
Bell.)
_____)

McCaw Communications of Florida, Inc.'s
PETITION ON PROPOSED AGENCY ACTION

McCaw Communications of Florida, Inc., on behalf of itself and its Florida regional affiliates ("McCaw"), pursuant to Rule 25-22.029, Florida Administrative Code, hereby files this limited petition on proposed agency action to the decision in Order No. PSC-95-1295-FOF-TL, issued October 19, 1995, by the Florida Public Service Commission ("FPSC" or "Commission") to deny the flow through of access charge reductions to mobile interconnection rates. In support of this Petition, McCaw states:

1. The complete name and address of the Petitioner is:

McCaw Communications of Florida, Inc.
250 S. Australian Ave., Suite 900
West Palm Beach, FL 33401

2. All notices, pleadings, orders, and other materials in this docket should be directed to the following on behalf of McCaw:

William H. Higgins, Esq.
AT&T Wireless Services
250 S. Australian Ave.
West Palm Beach, FL 33401

Floyd R. Self, Esq.
Messer, Caparello, Madsen,
Goldman & Metz, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876

3. McCaw was granted intervention in this docket by Order No. PSC-92-1490-PCO-TL.

DOCUMENT NUMBER-DATE

11172 NOV-95

FPSC-RECORDS/REPORTING

4. On October 19, 1995, counsel for McCaw received by facsimile a copy of Order No. PSC-95-1295-FOF-TL, which was issued that day by the Commission's Division of Records and Reporting. This order approved the Southern Bell tariff filing to reduce intrastate access charges pursuant to the Stipulation and Implementation Agreement approved by Order No. PSC-94-0172-FOF-TL. In addition, Order No. PSC-95-1295-FOF-TL also proposes to deny the flow through of the access charge reductions to the mobile interconnection rates that are required by Order No. 20475 and Southern Bell's existing mobile interconnection tariff.

5. The subject of this protest is limited solely to that part of Order No. PSC-95-1295-FOF-TL that denied the access charge flow through to the mobile interconnection rates, specifically, page 3, paragraph 3 through the second full paragraph on page 4. This Petition does not protest any part of Order No. PSC-95-1295-FOF-TL relating to the actual access charge reductions implemented October 1, 1995.

6. The denial of the access charge flow through to the mobile interconnection rates as is required by Order No. 20475 and Southern Bell's existing tariff materially and adversely affects the substantial interests of McCaw. McCaw is a customer of Southern Bell that takes mobile interconnection service from Southern Bell pursuant to Southern Bell's mobile interconnection

tariff. By ordering Southern Bell to not flow through the October 1, 1995 access charge reduction to the mobile interconnection rates, McCaw has been required to pay a higher rate than is otherwise required by the currently effective order and tariff. Moreover, by the express terms of Order No. PSC-95-1247-FOF-TL, the link with access charges is not to be broken until new tariffs are filed and put into effect on December 31, 1995. Thus, as a matter of law, the access charge reduction of October 1, 1995 must be flowed through to the mobile interconnection rates.

7. At this time, McCaw does not believe there are any disputed issues of material fact. Rather, the sole issues are legal issues relating to whether the Commission may, in Order No. PSC-95-1295-FOF-TL, order Southern Bell to ignore the requirements of Order No. 20475 and the language of its own tariff and not flow through the October 1, 1995 access charge reductions to the mobile interconnection rates on the basis of tariff revisions required by Order No. PSC-95-1247-FOF-TL that will not be filed or become effective until December 31, 1995. Such relief is required on the basis of sections 364.03, 364.035, 364.05, 364.08, and 364.14 Florida Statutes and the applicable case law.

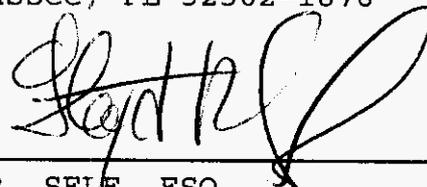
8. Further, on November 13, 1995, pursuant to the terms of Order No. PSC-95-1247-FOF-TL and the Florida Rules of Appellate Procedure, McCaw will be filing its notice of appeal of Order No.

PSC-95-1247-FOF-TL. If McCaw ultimately prevails in its appeal, then additional legal issues are raised regarding the effectiveness of Order No. PSC-95-1295-FOF-TL as it pertains to the denial of the October 1, 1995 access charge flow through and McCaw's entitlement to such rates retroactively to October 1, 1995.

WHEREFORE, McCaw respectfully requests that the Commission grant the foregoing Petition and order Southern Bell to flow through the October 1, 1995 access charge reduction to the mobile interconnection rates retroactively to October 1, 1995 and to conduct such other proceedings as may be necessary to resolve the issues raised by this Petition.

Respectfully submitted this 9th day of November 1995.

MESSER, CAPARELLO, MADSEN,
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FLOYD R. SELF, ESQ.
NORMAN H. HORTON, JR., ESQ.

Attorneys for McCaw Communications of
Florida, Inc. and its Florida regional
affiliates

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of McCaw Communications of Florida, Inc.'s Petition on Proposed Agency Action in Docket No. 920260-TL has been sent by Hand Delivery (*) and/or U.S. Mail on this 9th day of November, 1995 to the following parties of record:

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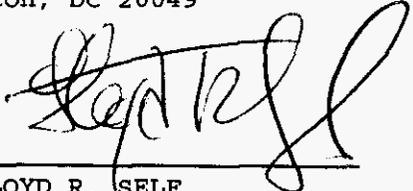
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