

FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

APRIL 24, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (GREER) *3/16*
DIVISION OF LEGAL SERVICES (BROWN) *iv 6*

RE: DOCKET NO. 960979-TP - PETITION BY WINSTAR WIRELESS OF FLORIDA, INC. FOR ARBITRATION OF CERTAIN TERMS AND CONDITIONS OF A PROPOSED AGREEMENT WITH GTE FLORIDA INCORPORATED CONCERNING RESALE AND INTERCONNECTIONS PURSUANT TO 47 USC SECTION 252(B) OF THE TELECOMMUNICATIONS ACT OF 1996

AGENDA: MAY 5, 1997 - REGULAR AGENDA - PROPOSED AGENCY ACTION - PARTIES MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\960979TP.BCM

CASE BACKGROUND

On August 26, 1996, WinStar Wireless of Florida, Inc. (WinStar) filed a petition for arbitration of certain terms and conditions of a proposed interconnection and resale agreement with GTE Florida Incorporated (GTEFL), pursuant to the provisions of 47 USC Section 252(b) of the Telecommunications Act of 1996. The parties initially agreed that the issues presented by the petition could be addressed by the Commission in an informal proceeding pursuant to the provisions of Section 120.57(2), Florida Statutes. The parties were unable, however, to agree to a stipulation of material facts upon which they would base briefs on the issues for the Commission's consideration. Therefore, the parties requested an evidentiary hearing on the issues pursuant to the provisions of Section 120.57(1), Florida Statutes. A hearing was convened on January 23, 1997. At the start of the hearing WinStar informed the Commission that the parties had resolved all of the unresolved issues, and it withdrew its request for arbitration. This is staff's recommendation to close this arbitration docket since there are no pending issues for the Commission to address.

DOCUMENT NUMBER-DATE

04187 APR 24 97

FPSC-RECORDS/REPORTING

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DISCUSSION OF ISSUES

ISSUE 1: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed since WinStar has withdrawn its request for arbitration and there are no further issues for the Commission to address.

STAFF ANALYSIS: WinStar has withdrawn its request for arbitration and there are no further issues for the Commission to address. Therefore, this docket should be closed.