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

NOVEMBER 6, 1997

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

FROM: DIVISION OF COMMUNICATIONS (NORTON) *ibn*  
DIVISION OF LEGAL SERVICES (CULPEPPER) *bc* *MS*

RE: DOCKET NO. ~~970788~~-TP - COMPLAINT AND/OR PETITION FOR  
ARBITRATION AGAINST SPRINT FLORIDA, INC., BY WIRELESS ONE  
NETWORK, L.P. D/B/A CELLULAR ONE OF SOUTHWEST FLORIDA  
PURSUANT TO SECTION 252 OF THE TELECOMMUNICATIONS ACT OF  
1996 AND REQUEST FOR EXPEDITED HEARING PURSUANT TO  
SECTION 364.058, F.S.

AGENDA: NOVEMBER 18, 1997 - REGULAR AGENDA - INTERESTED PERSONS  
MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970788TP.RCM

CASE BACKGROUND

On June 27, 1997, Wireless One, a Commercial Mobile Radio Service (CMRS) provider, filed a Complaint and/or Petition for Arbitration (Petition) against Sprint Florida, Inc. (Sprint). In its Petition, Wireless One asked the Commission to make the terms and conditions of Sprint's interim agreement with Palmer Wireless, Inc., available to Wireless One. It also asked the Commission to find that Sprint was in violation of Sections 252(e), (h), and (i) of the Telecommunications Act of 1996, and to order Sprint to refund the difference between the rates that Wireless One was paying under Sprint's tariff and the rates in the Palmer agreement.

By Order No. PSC-97-1043-PCO-TP, issued September 4, 1997, the Commission granted Sprint's Motion to Dismiss Wireless One's petition without prejudice. The Commission left the docket open in order to allow Wireless One the opportunity to amend its petition.

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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DOCKET NO. 970788-TP  
NOVEMBER 6, 1997

On October 13, 1997, Wireless One filed a Request to Dismiss its Complaint and/or Petition with Prejudice.

DISCUSSION OF ISSUES

ISSUE 1: Should Wireless One's request to dismiss its Complaint/Petition with Prejudice be granted?

STAFF RECOMMENDATION: Yes, the Commission should grant Wireless One's request to dismiss its Complaint and/or Petition with Prejudice.

STAFF ANALYSIS: On October 13, 1997, Wireless One filed a request to dismiss its Complaint and/or Petition with prejudice. In its request, Wireless One states that the issues that prompted this matter have been resolved by the parties. Staff notes that Wireless One has submitted a request for arbitration (DN 971194-TP) for which hearings are scheduled on Monday, November 24, 1997. Because Wireless One has indicated that the matters that gave rise to its petition have been resolved with Sprint, staff recommends that the Commission grant Wireless One's request.

ISSUE 2: Should this docket be closed?

STAFF RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, there are no remaining matters for the Commission to address in this proceeding. Therefore, this docket should be closed.

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, there are no remaining matters for the Commission to address in this proceeding. Therefore, this docket should be closed.