

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Rule 25-24.845, )  
F.A.C., Customer Relations; )  
Rules Incorporated, and proposed )  
amendments to Rules 25-4.003, )  
F.A.C., Definitions; 25-4.110, )  
F.A.C., Customer Billing; )  
25-4.118, F.A.C., Interexchange )  
Carrier Selection; 25-24.490, )  
F.A.C., Customer Relations; )  
Rules Incorporated. )

DOCKET NO. [REDACTED] TI

FILED: 1/26/98

NOTICE OF RESOLUTION OF DISCOVERY DISPUTE

Excel Telecommunications, Inc. (Excel) hereby gives notice that the discovery dispute between it and the Office of Public Counsel and the Attorney General (OPC/Attorney General) has been resolved. Thus the OPC/Attorney General need not respond to Excel's Motion for Reconsideration of Order No. PSC-97-0882-PCO-TI, Order Compelling Production of Documents, and the Commission need not rule on that motion. Undersigned counsel is authorized to state that the OPC/Attorney General concur in this notice.

Although the Motion for Reconsideration is moot, undersigned

counsel would like to clarify a point. In the Motion, counsel

argued that a legislative rule proceeding and an adjudicatory

investigation could not proceed simultaneously as a hybrid docket

without raising significant due process issues, including the issue

of ex parte communications. Counsel did not intend to state or

imply that any participant in this proceeding violated Section

120.66, Florida Statutes, which prohibits ex parte communications

in proceedings under sections 120.569 and 120.57, Florida Statutes.

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP Caldwell  
CAF 2  
CMU 2  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG \_\_\_\_\_  
LIN 5  
OPC \_\_\_\_\_  
RCH 1  
SEC 1  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

UT 363 JAN 26 98

FPSC-RECORDS/REPORTING

Respectfully submitted this 26th day of January 1998.



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**CERTIFICATE OF SERVICE**

**DOCKET NO. 970882-TI**

NOTICE IS HEREBY GIVEN that the foregoing was furnished by hand delivery (\*) or U.S. Mail this 26th day of January 1998 to the following:

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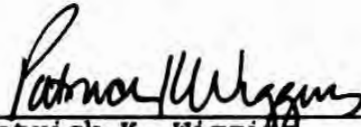
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