

MEMORANDUM

September 23, 1998

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RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *B/K*

RE: DOCKET NO. 951232-TI - DADE COUNTY CIRCUIT COURT REFERRAL OF CERTAIN ISSUES IN CASE NO. 92-11654 (TRANSCALL AMERICA, INC. D/B/A ATC LONG DISTANCE VS. TELECOMMUNICATIONS SERVICES, INC., AND TELECOMMUNICATIONS SERVICES, INC. VS. TRANSCALL AMERICA, INC. D/B/A ATC LONG DISTANCE) THAT ARE WITHIN THE COMMISSION'S JURISDICTION.

PSC-98-1268-PCD-TI

Attached is an ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME TO FILE POST-HEARING BRIEFS, to be issued in the above referenced docket. (Number of pages in order - 4)

BK/anr
Attachment
cc: Division of Communications
I: 951232m4.bk

MUST GO TODAY

*faxed - 4/0.
mailed -*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Dade County Circuit Court referral of certain issues in Case No. 92-11654 (Transcall America, Inc. d/b/a ATC Long Distance vs. Telecommunications Services, Inc., and Telecommunications Services, Inc. vs. Transcall America, Inc. d/b/a ATC Long Distance) that are within the Commission's jurisdiction.

DOCKET NO. 951232-TI
ORDER NO. PSC-98-1268-PCO-TI
ISSUED: September 23, 1998

ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME TO FILE
POST-HEARING BRIEFS

Transcall America, Inc. d/b/a ATC Long Distance (ATC) filed this complaint with the Dade County Circuit Court on May 21, 1992, against Telecommunications Services, Inc. (TSI) for alleged failure to pay for telecommunications services rendered. On July 5, 1994, TSI filed a counterclaim alleging breach of contract and improper billing of services. On February 24, 1995, the Court issued its Order Staying Action and Referring to the Florida Public Service Commission. Therein, the Court referred to this Commission for review all claims within the Commission's exclusive jurisdiction under Chapter 364. On January 29, 1997, TSI filed a Motion for Reconsideration of Order Staying Action and Referring to the Florida Public Service Commission and Motion for Leave to Amend Counterclaim with the Dade County Circuit Court. Transcall served its response to the motion on February 20, 1997, and the Commission served a response on April 18, 1997. On May 27, 1997, the Circuit Court issued its Order Denying Motion for Reconsideration and to Amend. A hearing was held in this matter on August 19, 1998.

On September 11, 1998, TSI filed an Agreed Motion for Enlargement of Time to File Post-Hearing Memoranda. In its Motion, TSI seeks a one-week extension of time to file post-hearing memoranda. TSI asserts that it will have great difficulty completing its brief in a timely manner, because its counsel is currently scheduled to represent the Florida Department of Agriculture and Consumer Services at hearing on September 14, 1998. TSI states that counsel for Transcall agrees with this motion.

DOCUMENT NUMBER-DATE

10520 SEP 23 88

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The final recommendation in this matter is not scheduled to be addressed by the Commission panel assigned to this matter until November 3, 1998. Our staff has indicated that this enlargement of time will not impair its ability to complete the staff recommendation. TSI's Motion for Enlargement of Time to File Post-Hearing Memoranda is, therefore, granted. The parties shall file their post-hearing briefs or memoranda on or before September 24, 1998.

Based on the foregoing, it is therefore

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the Agreed Motion for Enlargement of Time to File Post-Hearing Memoranda filed by Telecommunications Services, Inc. is granted.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 23rd Day of September, 1998.



JOE GARCIA
Commissioner and Prehearing Officer

(S E A L)

BK

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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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 Records and Reporting, 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.