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RECORDS AND  
REPORTING

September 25, 1998

**BY HAND DELIVERY**

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

Re: Docket No. 951232-TI


Dear Ms. Bayo:

Enclosed for filing in the above captioned docket are an original and fifteen copies of page 2 of Transc II America, Inc.'s Posthearing Brief that was filed on September 24, 1998. This page was inadvertently omitted. Please insert this page into the document to complete the filing. I apologize for any inconvenience this may have caused.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

  
Floyd R. Self

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cc: Mr. Brian Sulmonetti  
Parties of Record

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## II. ISSUES AND POSITIONS

**ISSUE 1: Does the Commission have jurisdiction over the disputes arising out of the Telus/TSI contract?**

**SUMMARY OF POSITION:** \*Yes. Independent of any court referral, this Commission has the exclusive jurisdiction to resolve all matters delegated by Chapter 364. Thus, all issues involving billing and provisioning of services to TSI and TSI's customers can be addressed only by this Commission.\*

**ANALYSIS AND ARGUMENT:** In 1995, in that action styled *Transcall America, Inc. vs. Telecommunication Services, Inc.* the Circuit Court in Dade County stayed and referred this action to this Commission. Tr. 21; Order Staying Action, case no. 92-11654, Feb. 24, 1995. The Circuit Court order specifically states:

This action is hereby stayed and Transcall's pending Complaint and Telecommunication Services, Inc.'s pending Answer, Affirmative Defenses, Counterclaims and Third Party Claims are hereby referred to the Florida Public Service Commission for review and appropriate proceedings based upon and within the PSC's exclusive jurisdiction as provided by Chapter 364. (emphasis added).

Order at 2. The Circuit Court did not refer a limited list of issues but rather referred all those within the exclusive jurisdiction of the Commission. By definition, such exclusive jurisdiction requires that the Commission and the Commission alone hear and resolve all such matters within its authority. Florida Public Service Commission v. Bryson, 569 So.2d 1253 (Fla. 1990). Based upon the Commission's "exclusive jurisdiction in all matters" set forth in chapter 364, in this dispute this Commission has the full and absolute authority to conduct an accounting and resolve all matters raised by the parties in the above styled Circuit Court proceeding.