



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-M-

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RECORDS AND REPORTING

**DATE:** FEBRUARY 4, 1999

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

**FROM:** DIVISION OF COMMUNICATIONS (AUDU SHELFER, KING) *AS*  
DIVISION OF LEGAL SERVICES (COX) *WCB*

**RE:** DOCKET NO. 970281-TL - ESTABLISHMENT OF INTRASTATE IMPLEMENTATION REQUIREMENTS GOVERNING FEDERALLY MANDATED DEREGULATION OF LOCAL EXCHANGE COMPANY PAYPHONES. *RHK*

**AGENDA:** 02/16/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\970281A.RCM

### CASE BACKGROUND

On July 9, 1998, the Commission staff filed a recommendation addressing whether the LECs' current tariffs for the basic payphone services and any basic network services and unbundled features satisfy the FCC's requirements, and whether further filings are required, consistent with Section 276 of the Telecommunications Act of 1996. At the July 21, 1998, Agenda Conference, the Commission determined that "[e]xisting incumbent local exchange company tariffs for smart and dumb line payphones services are cost-based, consistent with Section 276 of the Telecommunications Act of 1996, and nondiscriminatory." (Order No. PSC-98-1088-FOF-TL at 6, issued August 11, 1998)

On September 1, 1998, Florida Public Telecommunications Association (FPTA) filed a petition protesting Proposed Agency Action (PAA) Order No. PSC-98-1088-FOF-TL, requesting that the matter be set for hearing. On December 31, 1998, the FPTA, however, filed a notice of withdrawal of its September 1, 1998, petition.

DOCUMENT NUMBER-DATE

01446 FEB-48

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Accordingly, on January 19, 1999, the Commission approved a staff recommendation to close the docket due to the FPTA's withdrawal of its protest. The staff recommendation indicated that the effective date of PAA Order No. PSC-98-1088-FOF-TL, the protested Order, would be September 1, 1998, the date the PAA Order would have become final had it not been protested by the FPTA. The September 1, 1998, effective date, however, was incorrect.

This recommendation will address the closing of the docket and the appropriate effective date for Order No. PSC-98-1088-FOF-TL. The recommendation will replace the staff recommendation approved at the January 19, 1999, Agenda Conference.

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**DISCUSSION OF ISSUES**

**ISSUE 1:** Should this docket be closed?

**RECOMMENDATION:** Yes, in light of FPTA's December 31, 1998, notice of withdrawal of its petition, this docket should be closed, and PAA Order No. PSC-98-1088-FOF-TL should be reinstated as a final order effective January 19, 1999. (COX, AUDU)

**STAFF ANALYSIS:** In light of FPTA's December 31, 1998, notice of withdrawal of its petition, there is nothing for the Commission to address in this docket. Hence, staff recommends that this docket be closed, thereby making Order No. PSC-98-1088-FOF-TL final, effective the date the Commission originally approved the staff recommendation to close this docket, January 19, 1999. The January 7, 1999, staff recommendation incorrectly proposed a September 1, 1998, effective date for the reinstated PAA Order.