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MCWHIRTER REEVES  
ATTORNEYS AT LAW

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TAMPA OFFICE:  
400 NORTH TAMPA STREET, SUITE 2450  
TAMPA, FLORIDA 33602  
P. O. BOX 3350 TAMPA, FL 33601-3350  
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:  
TALLAHASSEE

TALLAHASSEE OFFICE:  
117 SOUTH GADSDEN  
TALLAHASSEE, FLORIDA 32301  
(850) 222-2525  
(850) 222-5606 FAX

September 28, 1999

VIA HAND DELIVERY

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

Re: Docket Number 981052-TP

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and fifteen photocopies of the Telephone Company of Central Florida's Joint Motion to Vacate the Commission's May 20, 1999 Order in the above-referenced matter.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Thank you for your assistance.

Yours truly,

*Vicki Gordon Kaufman*  
Vicki Gordon Kaufman

VGK/wb  
enc.

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEIN, P.A.

11719 SEP 28 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Telephone Company ) Docket No. 981052-TP  
of Central Florida, Inc. for resolution of )  
Items under dispute in resale agreement )  
with BellSouth Telecommunications, Inc. )  
\_\_\_\_\_ ) Filed: September 28<sup>th</sup>, 1999

**JOINT MOTION OF TELEPHONE COMPANY OF CENTRAL FLORIDA, INC.  
AND BELL SOUTH TELECOMMUNICATIONS, INC.  
TO VACATE THE COMMISSION'S MAY 20, 1999 ORDER**

Telephone Company of Central Florida, Inc. ("TCCF") and BellSouth Telecommunications, Inc. ("BellSouth") hereby request that the Commission vacate its Order of May 20, 1999, Order No. PSC-99-1013-FOF-TP ("Order") in this matter.

1. The parties have reached a settlement of the issues in dispute in this matter in a parallel action brought by TCCF in an adversary proceeding in the United States Bankruptcy Court for the Middle District of Florida (Bky. Case No. 98-04587-6B1, Adv. No. 98-240). The Bankruptcy Court approved that settlement by written order entered on July 15, 1999.<sup>1</sup> The parties also have agreed to a new Resale Agreement which was filed with this Commission on August 10, 1999, and the parties wish to govern their relationship according to the terms of their settlement and the new Resale Agreement, rather than the terms of the

<sup>1</sup> A copy of the Bankruptcy Court's order approving the settlement is attached as Exhibit A.

Commission's Order. Accordingly, the parties hereby request that the Order be vacated in its entirety.

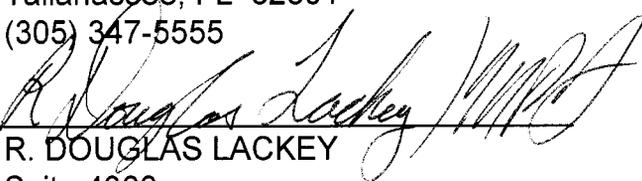
2. The Commission's Order is not final. BellSouth filed a Motion to Reconsider the Order, and both parties hereby request that the Commission defer any action on that Motion. If the Commission grants this Joint Motion to Vacate, BellSouth's Motion to Reconsider would be moot. In addition, TCCF by joinder in this motion has announced its intention to withdraw its Complaint in this matter. Accordingly, no party, other telecommunications carrier or customer would be prejudiced if the Order were vacated.

For the reasons stated, TCCF and BellSouth request that the Commission's Order in this matter be vacated in its entirety as soon as the parties' new Resale Agreement, filed Docket No. 991085-TP on August 10, 1999 is approved.

Respectfully submitted this 28<sup>th</sup> day of September, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
\_\_\_\_\_  
NANCY B. WHITE  
MICHAEL P. GOGGIN  
c/o Nancy H. Sims  
150 So. Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5555

  
\_\_\_\_\_  
R. DOUGLAS LACKEY  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0747

TELEPHONE COMPANY OF CENTRAL  
FLORIDA , INC.

*Vicki Gordon Kaufman*

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JOSEPH A. MCGLOTHLIN  
VICKI GORDON KAUFMAN  
McWhirter, Reeves, McGlothlin,  
Davidson, Decker, Kaufman,  
Arnold & Steen, P.A.  
117 South Gadsden Street  
Tallahassee, FL 32301  
(850) 222-2525

172252

~~LEGAL DEPARTMENT~~  
UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

CLERK, U.S. BANKRUPTCY  
ORLANDO DIVISION

In re:

TELEPHONE COMPANY OF CENTRAL  
FLORIDA, INC.,

CASE NO. 98-04587-6B1

Debtor.

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**ORDER GRANTING DEBTOR'S  
MOTION FOR APPROVAL AND NOTICE OF A PROPOSED  
COMPROMISE OF A CONTROVERSY WITH BELLSOUTH**

This case came before the court at a hearing on July 12, 1999 to consider and act upon the debtor's motion (the "Motion") for approval and notice of a proposed compromise (the "Compromise") of a controversy with BellSouth Telecommunications, Inc. ("BellSouth") (Document no. 389). For the reasons stated and recorded in open court, it is hereby

**ORDERED AND ADJUDGED:**

1. The Motion is granted.
2. The Compromise is approved based upon the terms contained therein.

**EXHIBIT A**

3. Service of this order is limited to the attorneys for the debtor, BellSouth, Phoenix International Industries, Inc., United States trustee, and attorney for unsecured creditors committee.

DONE and ORDERED at Orlando, Florida this 17<sup>th</sup> day of July, 1999.



ARTHUR B. BRISKMAN  
United States Bankruptcy Judge

I CERTIFY that a copy of the foregoing was sent by United States mail, first class to each person listed below this 15<sup>th</sup> day of July, 1999.

  
Deputy Clerk

Copies furnished to:

Nicholas B. Bangos, Esq., 96 Willard Street, Suite 302, Cocoa Beach, FL 32922

Scott W. Spradley, Esq., Gray, Harris & Robinson, P.A., P.O. Box 3068, Orlando, FL 32802

Fred A. Walters, 675 West Peachtree Street N.E., Suite 4300, Atlanta, Ga. 30375

Bruce Weihe, 500 East Broward Blvd., Suite 1000, Ft. Lauderdale, FL 33394

David E. Peterson, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.O. Box 2809, Orlando, FL 32802-2809

Robert A. Schatzman, Esq., Schantz, Schatzman & Aaronson, P.A., First Union Financial Center, Suite 1050, 200 S. Biscayne Blvd., Miami, FL 33131

United States Trustee, 135 W. Central Blvd., Suite 620, Orlando, FL 32801

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of Joint Motion to Vacate the Commission's May 20, 1999 order has been furnished by US Mail or hand delivery (\*) this 28th day of September 1999 to the following:

\*Cathy Bedell

\*Tina Watts

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399-0870

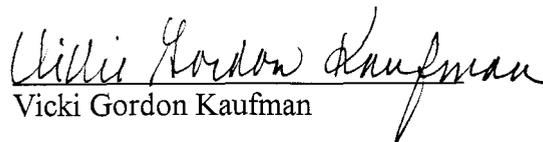
\*Michael Goggin

c/o Nancy H. Sims

BellSouth Telecommunications, Inc.

150 South Monroe Street, Suite 400

Tallahassee, Florida 32301

  
Vicki Gordon Kaufman