



# Public Service Commission

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

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**DATE:** December 7, 2000  
**TO:** BLANCA BAYO, DIRECTOR OF RECORDS AND REPORTING  
**FROM:** MARTHA C. BROWN, DIVISION OF APPEALS *MCB*  
ANN MARSH, DIVISION OF COMPETITIVE SERVICES *Ann*  
**RE:** DOCKET NO. 980253-TX, PROPOSED RULES 25-4.300, F.A.C., SCOPE AND DEFINITIONS; 25-4.301, F.A.C., APPLICABILITY OF FRESH LOOK; AND 25-4.302, F.A.C., TERMINATION OF LEC CONTRACTS.

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On July 24, 2000, the Administrative Law Judge issued a final order in BellSouth and GTE's Division of Administrative Hearings (DOAH) challenge to the Commission's proposed Fresh Look Rules, DOAH Case Nos. 99-5368 and 99-5369. The Judge held that the proposed rules were an invalid exercise of delegated legislative authority because the Commission did not have specific statutory authority to adopt the rules.

Pursuant to Section 120.56(2), Florida Statutes, upon a determination by a DOAH administrative law judge that an agency's proposed rules are an invalid exercise of delegated legislative authority, the agency shall withdraw the rules and publish notice in the Florida Administrative Weekly. The Commission published notice of withdrawal of the Fresh Look rules on November 9, 2000, and there is nothing further that the Commission must do in this docket. Therefore, as Section 2.07-2 the Administrative Procedures Manual provides, this docket may be closed administratively.

MCB

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*SM*  
*12/7/00*

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