

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BLVD
TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

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RECEIVED-FPSC

DATE: MARCH 22, 2001

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

FROM: DIVISION OF LEGAL SERVICES (FORDHAM) c.f.f. BK
DIVISION OF COMPETITIVE SERVICES (CASEY) PK

RE: DOCKET NO. 010102-TP - INVESTIGATION OF PROPOSED UPDATES TO THE ROUTING DATA BASE SYSTEM (RDBS) AND BUSINESS RATING INPUT DATABASE SYSTEM (BRIDS) AFFECTING THE TAMPA TELECOMMUNICATIONS CARRIERS.

AGENDA: APRIL 3, 2001 - REGULAR AGENDA - MOTION FOR RECONSIDERATION - ORAL ARGUMENT NOT REQUESTED

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\010102RR.RCM

CASE BACKGROUND

On February 13, 2001, Ms. Peggy Arvanitas requested permission to intervene in this proceeding. Ms. Arvanitas stated that, as a "respondent" to the Jeopardy relief hearings in the 813 area code in 1997 and 1998, she was and is still concerned about the irregularities of Verizon's interpretation of "voluntary guidelines." She condemned Verizon's expansion of rate centers while, elsewhere, rate centers are being consolidated. On March 12, 2001, Order No. PSC-01-0554-PCO-TP was issued, denying Ms. Arvanitas' Petition to Intervene. On March 14, 2001, Ms. Arvanitas filed her Reconsideration of Denial of Notice of Intervention of Peggy Arvanitas, (the Lone Consumer). There were no responses filed to Ms. Arvanitas' Petition for Reconsideration.

This recommendation addresses Ms. Arvanitas's Motion for Reconsideration.

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JURISDICTION

This Commission has authority to address area code relief pursuant to 47 C.F.R. §§ 52.3 and 52.19. In addition, as part of our ongoing effort to conserve area codes, on April 2, 1999, we filed a petition with the Federal Communications Commission (FCC) seeking authority to implement number conservation measures, which could help minimize consumer confusion and expenses associated with imposing new area codes too frequently. On September 15, 1999, the FCC issued Order FCC 99-249, granting our Petition for Delegation of Additional Authority to Implement Number Conservation Measures. Among other things, FCC 99-249 granted us interim authority to set numbering allocation standards, request number utilization data from all carriers, implement NXX code sharing, and implement rate center consolidation. By Order No. PSC-00-543-PAA-TP, issued March 16, 2000, we approved the exercise of the federal authority given us to conserve telephone numbers and delay the early exhaustion of area codes in Florida.

Rule 25-22.0376, Florida Administrative Code, provides that any party to a proceeding who is adversely affected by a non-final order may seek reconsideration by the Commission panel assigned to the proceeding.

DISCUSSION OF ISSUES

ISSUE 1: Should Peggy Arvanitas's Motion for Reconsideration of Order Denying Intervention be granted?

RECOMMENDATION: No. The Commission should deny Peggy Arvanitas's Motion for Reconsideration of Order Denying Intervention. (FORDHAM)

STAFF ANALYSIS: The standard of review for a motion for reconsideration is whether the motion identifies a point of fact or law which was overlooked or which the Commission failed to consider in rendering its Order. See Stewart Bonded Warehouse, Inc. v. Bevis, 294 So. 2d 315 (Fla. 1974); Diamond Cab Co. v. King, 146 So. 2d 889 (Fla. 1962); and Pingree v. Quaintance, 394 So. 2d 161 (Fla. 1st DCA 1981). In a motion for reconsideration, it is not appropriate to reargue matters that have already been considered. Sherwood v. State, 111 So. 2d 96 (Fla. 3rd DCA 1959); citing State ex. rel. Jaytex Realty Co. v. Green, 105 So. 2d 817 (Fla. 1st DCA 1958). Furthermore, a motion for reconsideration should not be

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granted "based upon an arbitrary feeling that a mistake may have been made, but should be based upon specific factual matters set forth in the record and susceptible to review." Stewart Bonded Warehouse, Inc. v. Bevis, 294 So. 2d 315, 317 (Fla. 1974).

Ms. Arvanitas alleges that she was denied intervention because a Commission staff member "holds a grudge against her." She, further, argues her original claim that she is entitled to be a party in the Docket because she is a consumer who resides and works in the Tampa Bay area. Though she lives in Pinellas County, Ms. Arvanitas argues that she sells real estate in Hillsborough County, which is the County at issue in this docket. No place in her Motion for Reconsideration, however, does Ms. Arvanitas identify "a point of fact or law which was overlooked or which the Commission failed to consider in rendering its Order." As noted at page 1 of the Order Denying Intervention, a mere statement that she does business in the affected County does not demonstrate that she will suffer an injury in fact that is of sufficient immediacy to entitle her to intervene. Her Motion for Reconsideration identifies no error in the prehearing officer's determination. Additionally, Ms. Arvanitas raises nothing new in her Motion for Reconsideration, but merely reargues that which was contained in her Request for Intervention. Accordingly, the Motion for Reconsideration should be denied.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. The Docket is presently set for hearing and should remain open pending the outcome of the hearing. (FORDHAM)

STAFF ANALYSIS: This docket is presently set for hearing. Accordingly, it should remain open pending the outcome of the hearing.