



Public Service Commission  
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED FPSC  
SEP 20 PM 12:24  
COMMISSION CLERK

**DATE:** SEPTEMBER 20, 2001

**TO:** DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYO)

**FROM:** DIVISION OF LEGAL SERVICES (KNIGHT) *WJK*  
DIVISION OF COMPETITIVE SERVICES (SIMMONS) *SAS*  
DIVISION OF REGULATORY OVERSIGHT (VANDIVER) *WV*

**RE:** DOCKET NO. 000690-TP - COMPLAINT BY BELLSOUTH TELECOMMUNICATIONS, INC. AGAINST INTERMEDIA COMMUNICATIONS, INC., PHONE ONE, INC., NTC, INC., AND NATIONAL TELEPHONE OF FLORIDA REGARDING THE REPORTING OF PERCENT INTERSTATE USAGE FOR COMPENSATION FOR JURISDICTIONAL ACCESS SERVICES.

**AGENDA:** 10/02/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\000690.RCM

CASE BACKGROUND

On June 5, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed a complaint against Intermedia Communications, Inc., Phone One, Inc., NTC, Inc. and National Telephone of Florida (collectively Intermedia). In its complaint, BellSouth alleged that Intermedia had been reporting erroneous Percent Interstate Usage (PIU) factors to BellSouth, and that these erroneous PIUs had resulted in the under reporting of intrastate access terminating minutes to BellSouth, thus causing BellSouth financial harm. Therefore, BellSouth has requested that the Commission take all action appropriate to protect it from further financial harm.

DOCUMENT NUMBER-DATE

11780 SEP 20 01

FPSC-COMMISSION CLERK

On June 30, 2000, Intermedia timely filed a Motion to Dismiss or, in the alternative, to Stay BellSouth's complaint. BellSouth timely filed a Response and Opposition to Intermedia's Motion to Dismiss or Stay on July 12, 2001. By Order No. PSC-00-2081-PCO-TP, issued November 1, 2001, the Commission denied Intermedia's Motion to Dismiss.

Thereafter, on July 20, 2001, BellSouth filed a Notice of Voluntary Withdrawal, wherein it withdrew, with prejudice, its complaint against Intermedia.

#### JURISDICTION

Pursuant to Section 364.07(2), Florida Statutes, the Commission is authorized to review contracts for joint provision of intrastate interexchange service, and is authorized to adjudicate disputes of telecommunications companies regarding such contracts or the enforcement thereof. Therefore, the Commission is authorized to proceed in this matter.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission acknowledge BellSouth's voluntary withdrawal, with prejudice, of its Complaint against Intermedia Communications, Inc., Phone One, Inc., NTC, Inc. and National Telephone of Florida?

**RECOMMENDATION:** Yes. - The Commission should acknowledge BellSouth's voluntary withdrawal, with prejudice, of its Complaint against Intermedia Communications, Inc., Phone One, Inc., NTC, Inc. and National Telephone of Florida. (KNIGHT)

**STAFF ANALYSIS:** On July 20, 2001, BellSouth' filed a Notice of Voluntary Withdrawal, wherein it withdrew, with prejudice, its Complaint against Intermedia Communications, Inc., Phone One, Inc., NTC, Inc. and National Telephone of Florida. Since there are no remaining issues in dispute between the parties in this docket, staff believes that it is appropriate for the Commission to acknowledge BellSouth's withdrawal of it complaint against Intermedia.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. Since there are no further issues requiring action by the Commission, this docket should be closed. (KNIGHT)

**STAFF ANALYSIS:** BellSouth's withdrawal of its complaint renders the issues raised by the complaint moot. As such, there are no further issues requiring Commission action, and this docket should be closed.