



Public Service Commission

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

DATE: September 8, 1994

TO: J. TERRY DEASON, CHAIRMAN
 SUSAN F. CLARK, COMMISSIONER
 JULIA L. JOHNSON, COMMISSIONER
 DIANE K. KIESLING, COMMISSIONER
 JOE A. GARCIA, COMMISSIONER

FROM: DAVID E. SMITH, DIRECTOR OF APPEALS *DES*

RE: LOCALS 3121, 3122 AND 3107 COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO VS. J. TERRY DEASON, ETC., ET AL, CASE NO. 83,914

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This is to advise you that the Florida Supreme Court granted the Commission's motion to dismiss this appeal on August 25, 1994. The Communications Workers had attempted to appeal proposed agency action Order No. PSC-94-0669-FOF-TL. That order reduced Southern Bell's rates as a result of the Stipulation and Implementation Agreement previously approved by the Commission.

The Communications Workers argued that the Commission was required to hold a hearing before taking any action on their proposal to form a citizens/workers committee for disposition of Southern Bell's excess revenues. The Communications Workers also argued that the PAA process was inadequate to protect their interests, even though they had filed a timely request for hearing and were in the process of preparing for the scheduled hearing. The Court apparently was convinced by the Commission's arguments that the Communications Workers suffered no cognizable injury in the PAA process employed by the Commission and that the PAA order, which never became final, could not be appealed for failure to exhaust available administrative remedies.

DES	ACK _____
	AFA _____
GR83914.MRD	APP _____
cc: Bill Talbott	CAF _____
James Ward	CRD _____
Mary Bane	CTC _____
Rob Vandiver	EL _____
Noreen Davis	LEG _____
Tim Devlin	LIN _____
Walter D'Haeseleer	CRG _____
Joe Jenkins	ROH _____
Dan Hoppe	SEC _____
Blanca Bayó	WIS _____
Chuck Hill	WIS _____
All Attorneys	WIS _____

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