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January 2, 1998

Blanc Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oaks Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. **971194-TL**

Dear Ms. Bayo:

Sprint-Florida, Incorporated ("Sprint") regretfully submits this letter in protest of the blatantly improper filing by Wireless One Network, L.P. ("Wireless One") on December 31, 1997. Sprint received a faxed copy at about 4:00 p.m. that day. The letter indicates that filing was made via Federal Express, presumably for delivery on December 31.

Sprint does not object to the two sentence Request for Oral Argument, *per se*. A party can always ask to be heard on an item post-hearing, although the Commission has uniformly denied such requests. Sprint does not object to Oral Argument so long as new evidence is not introduced. Of course, Sprint is not requesting Oral Argument either. If Oral Argument is granted, Sprint would expect to participate.

Sprint does have a fundamental objection to the three page Memorandum in Support included with the Request. The Memorandum is nothing more than a supplemental brief and response to the staff recommendation. Such a filing is prohibited in an agenda conference item noticed for participation by the Staff and Commissioners only. For that reason alone it should be stricken.

Sprint further requests that the staff assigned to this matter refrain from reading or considering the Memorandum and that the filing **not be distributed to the Commissioners'** assigned to hear the case. Distribution and subsequent consideration would constitute a denial of Sprint's due process rights. Communications with the staff and commissioners outside of the record by one party without meaningful opportunity for participation by the other party are improper and could bias the presentation or outcome of a matter that has been to hearing and for which the record is closed.

ACK	_____
AFA	_____
APP	_____
CAF	_____
CMU	<u>Wilson</u>
CTR	_____
EAG	_____
LEG	<u>2</u>
LIN	<u>3</u>
OPC	_____
RCH	_____
SEC	<u>1</u>
WAS	_____
OTH	_____

DOCUMENT NUMBER-DATE

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expeditiously in response to this letter. I request that Sprint be notified prior to January 6, 1998 whether (and if so, to whom) the Memorandum in Support has been distributed.

If you have any questions please do not hesitate to call me at 850/847-0244

Sincerely,

A handwritten signature in black ink, appearing to read "Charles J. Rehwinkel". The signature is fluid and cursive, with the first name being the most prominent.

Charles J. Rehwinkel

cc: Beth Keating, Esq. (by fax and hand delivery)  
Will Cox Esq. (by fax and hand delivery)  
Bill Adams Esq. (by fax and U.S. Mail )