

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Petition by Metropolitan Fiber Systems of Florida, Inc. for arbitration with BellSouth Telecommunications, Inc. concerning interconnection rates, terms, and conditions, pursuant to the Federal Telecommunications Act of 1996.

DOCKET NO. 960757-TP

In re: Petition by AT&T Communications of the Southern States, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

DOCKET NO. 960833-TP

In re: Petition by MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

DOCKET NO. 960846-TP

DATED: JANUARY 23, 1998

- ACK _____
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- APP _____
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FPSC-RECORDS/REPORTING

STAFF REQUEST THAT THE COMMISSION RECONSIDER ITS DECISION ON THE
PETITION OF TIME WARNER Axs OF FLORIDA, L.P., FOR RECONSIDERATION
OF MOTION FOR LEAVE TO INTERVENE OR, IN THE ALTERNATIVE, MOTION
FOR INITIATION OF GENERIC DOCKET

The staff of the Florida Public Service Commission hereby requests that the Commission reconsider on its own motion its January 20, 1998, agenda conference decision to deny Time Warner Axs of Florida, L.P.'s (Time Warner) Petition for Reconsideration of Motion for Leave to Intervene or, in the Alternative, Motion for Initiation of Generic Docket. Staff also requests that the Commission reconsider the decision at the commencement of the hearing in these dockets on January 26, 1998, so that Time Warner may have the opportunity to address the Commission on its Petition. The reasons for staff's request are set forth below.

Time Warner has negotiated an interconnection agreement with BellSouth Telecommunications, Inc., under the Telecommunications Act of 1996 (Act), which the Commission approved in Order No. PSC-96-1215-FOF-TP, issued September 24, 1996, pursuant to Section 252(e) of the Act. Time Warner has not petitioned the Commission to arbitrate any unresolved issues with BellSouth pursuant to Section 252(b) of the Act, and thus Time Warner was not a party to any of the underlying arbitration proceedings from which this cost proceeding is derived.

Time Warner did file a petition to intervene in this proceeding on December 9, 1997, which the Prehearing Officer denied in Order No. PSC-98-0008-PCO-TP, issued January 2, 1998, and on the evening of January 15, 1998, Time Warner filed a petition for reconsideration of that Order. On the evening of January 16, 1998, staff filed an emergency recommendation for consideration by the Commission at its January 20, 1998, agenda conference, because that was the only agenda conference available before the start of the hearing. An addendum reflecting the addition of the item was mailed to Time Warner that Friday evening, and the item was added to the Commission's website that evening. Because of the Monday holiday, however, Time Warner did not receive its mailed notice in time, and in its rush to file the recommendation, staff did not call Time Warner's attorney to inform him that the petition would be addressed at the agenda conference. Therefore, Time Warner received insufficient notice that the Commission would consider its Petition so soon, and thus did not address the Commission at the agenda conference. Therefore, staff believes that it would be appropriate for the Commission to reconsider its decision on its

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own motion, thereby affording Time Warner the opportunity to address its concerns to the Commission, an opportunity it did not have last Tuesday.

RESPECTFULLY SUBMITTED,

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