

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause
proceedings against MCI
Telecommunications
Corporation for charging FCC
universal service assessments on
intrastate toll calls.

DOCKET NO. 980435-TI
ORDER NO. PSC-99-0399-PCO-TI
ISSUED: February 24, 1999

ORDER DENYING MOTION FOR CONTINUANCE

This matter is set for a Section 120.57(2), Florida Statutes, hearing on Wednesday, March 3, 1999. On January 29, 1999, MCI Telecommunications Corporation (MCI) filed a Motion for Continuance. As basis for its motion, MCI asserts that administrative efficiency would be served by postponing the filing of briefs and the hearing until after March 5, 1999, by which time the Federal Communications Commission (FCC) will have issued rulings on two pending pleadings which may be dispositive of some or all of the issues in this docket.

The interests of administrative efficiency may be served by postponing the hearing in this docket. However, the issues before us in this proceeding represent a serious question of Commission jurisdiction which should be decided by this Commission independent of the FCC's opinion on this Commission's jurisdiction.

Further, the Commission has noticed this proceeding as one in which a ruling may be made at the conclusion of oral argument. If the Commission makes a final decision at the hearing on March 3, 1999, it is possible that, contrary to MCI's contention, the Commission's final decision could be rendered prior to the March 5, 1999, date by which the FCC is expected to rule.

For the reasons stated above, MCI's Motion for Continuance is denied.


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FPSC-RECORDS/REPORTING

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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 24th day of February, 1999.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

CB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary,

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procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.