

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 000690-TP
ORDER NO. PSC-01-2034-FOF-TP
ISSUED: October 15, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
LILA A. JABER
MICHAEL A. PALECKI

ORDER ON DISMISSAL

BY THE COMMISSION:

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. BellSouth requested that this Commission take all action appropriate to protect it from further financial harm.

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, we denied Intermedia's Motion to Dismiss.

We are vested with jurisdiction over this matter pursuant to Sections 364.07(2) and 364.27, Florida Statutes.

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On July 20, 2001, BellSouth filed a Notice of Voluntary Dismissal, wherein it withdrew, with prejudice, its Complaint against Intermedia Communications, Inc., Phone One, Inc., NTC, Inc. and National Telephone of Florida. There are no remaining issues in dispute between the parties in this docket. As such, we acknowledge BellSouth's withdrawal of its complaint against Intermedia, and close this docket.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth's Notice of Voluntary Dismissal of its complaint against Intermedia Communications, Inc., Phone One, Inc., NTC, Inc., and National Telephone of Florida. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 15th day of October, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

WDK

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.