

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Expanded Interconnection)	Docket No. 921074-TP
Phase II and Local Transport)	Docket No. 930955-TL
Restructure)	Docket No. 940014-TL
<hr/>		Docket No. 940020-TL
		Docket No. 931196-TL
		Docket No. 940190-TL

Filed: April 29, 1994

**GTE FLORIDA INCORPORATED'S OPPOSITION TO
INTERMEDIA COMMUNICATIONS OF FLORIDA, INC.'S
MOTION TO ESTABLISH ADDITIONAL ISSUES**

GTE Florida Incorporated (GTEFL) opposes the Motion of Intermedia Communications of Florida, Inc. (ICI) to establish two additional issues for hearing in this docket.

The issues identification conference was held in this docket on February 16, 1994. At that time, all parties, including ICI, had the opportunity to propose any issues they deemed appropriate for consideration. Now, more than two months later, ICI has proposed two additional issues. ICI offers no explanation as to why it failed to raise these items at the issues identification session. Nothing prevented ICI from making its arguments for expansion of this proceeding at the February conference.

It would be unfair to allow a party to add issues simply because they did not occur to that party earlier. Issues identification conferences are typically contentious. Parties argue about the scope and wording of particular issues until a compromise can be reached. GTEFL believes that allowing ICI to unilaterally add issues outside of this normal process of debate would violate other parties' due process rights.

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In any event, the issues ICI identifies are not important to a sound resolution of this proceeding. As ICI states, they are "closely related to and derived from Issue No. 6" (ICI Motion at 2), which asks whether the Commission has the legal authority to require switched access expanded interconnection. ICI believes issue 6 needs to be expanded to address what the Commission "may do in introducing competition into monopoly markets." Id. GTEFL submits that the Commission does not need to be specifically reminded of its ability to take steps to encourage greater competition where appropriate and permissible. If ICI believes otherwise, it can include its arguments on this point in its response to issue 6. No separate subissues are necessary to allow ICI to fully present its position.

Contrary to ICI's assertion, the Commission did not "specifically contemplate[] addition of new issues for hearing." (ICI Motion at 2.) ICI cites a statement from a January procedural order noting that the proceeding would be "based upon the issues raised by the parties and Commission staff (staff) up to and during the prehearing conference, unless modified by the Commission." Id. at 1. This customary, general statement cannot reasonably be construed to invite submission of issues outside of the established issues identification procedure. Further, the Commission's later Order No. PSC-94-0277-PCO-TL, which sets forth the issues for hearing, does not indicate that additional issues would be accepted.

Finally, GTEFL disputes ICI's assertion that no party will be prejudiced by inclusion of the proposed new issues because there is "ample time" to prepare prefiled testimony. (ICI Motion at 2.) That testimony is due on May 23. It is now the end of April. The Commission will probably not rule on ICI's Motion until about mid-May, leaving little time for parties to formulate cogent positions on any new issues.

For all of the reasons discussed in this filing, GTEFL urges the Commission to deny ICI's Motion. If the Commission does not believe that outright denial is appropriate, GTEFL asks the Commission to schedule a supplemental issues identification conference so that all parties can properly participate in defining any additional issues under consideration for hearing.

Respectfully submitted on April 29, 1994.

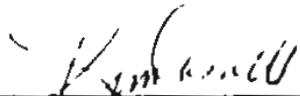
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of GTE Florida Incorporated's Opposition to Intermedia Communications of Florida, Inc.'s Motion to Establish Additional Issues in Docket No. 921074-TP was sent by U. S. mail on April 29, 1994, to the parties on the attached list.



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