

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into) DOCKET NO. 930330-TP
intraLATA presubscription.) ORDER NO. PSC-94-0869-PCO-TP
_____) ISSUED: July 18, 1994

ORDER GRANTING ADDITIONAL TIME TO FILE TESTIMONY

Order No. PSC-94-0689-PCO-TL, issued June 6, 1994, established the procedural schedule for this proceeding. Pursuant to the Order, direct testimony was to have been filed by July 1, 1994. Pursuant to Rule 25-22.028(2), Florida Administrative Code, documents that are filed with the Commission are required to be served on the parties to the proceeding on the date of filing.

On July 11, 1994, AT&T of the Southern States, Inc. (ATT-C) filed a Motion For Enlargement of Time to File Rebuttal Testimony and Motion to Permit Supplemental Rebuttal Testimony. In support of its motion to enlarge time to file rebuttal testimony, ATT-C states that, as reflected by the respective postmarks, the direct testimony of both GTE Florida Incorporated and BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company was not served on ATT-C until July 5, 1994. Because of the short time between the filing of direct and rebuttal testimony, ATT-C asks that the time for filing rebuttal testimony be extended from July 20 to July 29.

The Florida Interexchange Carriers Association (FIXCA) also filed a Motion For Enlargement of Time to File Rebuttal Testimony and Motion to Permit Supplemental Rebuttal Testimony on July 12, 1994. FIXCA's Motion adopts and incorporates by reference ATT-C's Motion.

ATT-C's Motion also seeks the opportunity to file supplemental rebuttal for GTE Florida Incorporated's witness Donald M. Perry. FIXCA's Motion seeks the same opportunity for Southern Bell's witness Arthur T. Smith.

In view of the relatively compressed time schedule for filing testimony and the delay in receiving certain testimony, I find it appropriate to grant, in part, ATT-C's and FIXCA's requests for additional time to file rebuttal. However, an extension of nine days is too much when ATT-C and FIXCA only lost four days. The date for filing rebuttal testimony is extended until July 25, 1994. The extension of time is granted for all parties.

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The portions of the Motions seeking the opportunity to file supplemental rebuttal testimony will be addressed by separate Order.

Based upon the foregoing, it is


ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that the respective motions for extension of time to file rebuttal testimony filed by AT&T of the Southern States, Inc. and the Florida Interexchange Carriers Association are granted in part and denied in part as set forth in the body of this Order. It is further

ORDERED that the deadline to file rebuttal in this proceeding is extended until July 25 as set forth in the body of this Order. It is further

ORDERED that the procedural schedule for this proceeding set forth in Order No. PSC-94-0689-PCO-TP is modified consistent with this Order. It is further

ORDERED that Order No. PSC-94-0689-PCO-TP is affirmed in all other respects.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 18th day of July, 1994.



J. TERRY DEASON, Chairman and
Prehearing Officer

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), 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, 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.