

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing
by GTE Florida Incorporated to
transfer a portion of the
Sarasota exchange into the
Bradenton exchange.

DOCKET NO. 970990-TL
ORDER NO. PSC-98-0306-PCO-TL
ISSUED: February 20, 1998

ORDER GRANTING REQUEST FOR EXTENSION OF TIME
TO FILE DIRECT TESTIMONY

On July 10, 1997, GTE Florida Incorporated (GTEFL) submitted a proposed tariff that would transfer a portion of the Sarasota exchange (Lakewood Ranch area) into the Bradenton exchange. GTE serves both exchanges. There are 26 business customers and 29 residential customers currently in the area. In proposing this transfer, GTEFL sought the ability to provide service to the Lakewood Ranch area from one exchange. GTEFL asserted that the area transfer would insure that all Lakewood ranch area residences and businesses pay the same rates and have the same local calling scope. To expedite its request, GTEFL also filed a proposed customer information notice, survey, and ballot. GTEFL requested that the customer information notice be mailed to the affected customers one day after we issue an order on GTEFL's proposed tariff.

By Order No. PSC-97-1029-FOF-TL, issued August 27, 1997, we denied GTEFL's tariff proposal, and instead, required that the 26 business customers and 29 residential customers located in the Lakewood ranch area of the Sarasota exchange be surveyed to determine if they are in favor of moving into the Bradenton exchange.

By letter filed September 16, 1997, Dr. William J. McGinty of the Sarasota Equine Associates protested the proposed boundary change. Dr. McGinty asserted that his business would face a significant financial burden if GTEFL's tariff were ultimately approved in order to change its letterhead, its office supplies, and its advertising. As a result of this protest, this matter has been set for hearing on March 27, 1998.

DOCUMENT NUMBER-DATE
02443 FEB 20 1998
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By Order No. PSC-97-1398-PCO-TL, issued November 6, 1997, the procedures and filing dates for this docket were established. In accordance with that Order, direct testimony and exhibits were due February 2, 1998, from Dr. McGinty, the customer/intervenor in this Docket. On February 6, 1998, Dr. McGinty submitted to staff counsel, by facsimile, a Request for Extension of Time to File Direct Testimony. The original copy of Dr. McGinty's Request was received and filed in accordance with Commission rules by the Commission's Division of Records and Reporting on February 9, 1998.

In his Request, Dr. McGinty asked that he be permitted to file his direct testimony on February 9, 1998. He indicated that he had previously been unclear as to whether testimony was to be submitted orally or in written form. On February 9, 1998, Commission staff contacted Dr. McGinty regarding his request. Because the original copy of Dr. McGinty's Request was not filed with the Commission's Division of Records and Reporting until February 9, 1998, Commission staff explained to Dr. McGinty that, in accordance with Rule 25-22.028, Florida Administrative Code, filing is not accomplished until an original document is received in the Commission's Division of Records and Reporting. Facsimile submittals are not considered to be original documents and, therefore, are not accepted for filing. Dr. McGinty stated that he had, in fact, misunderstood that a document must actually be received by the Commission to be filed. He indicated that he would not be able to file his testimony in accordance with his request because he had intended to place it in the mail on February 9, 1998. He did, however, indicate that he would have no problem having it filed properly before February 13, 1998. Counsel for GTEFL indicated that GTEFL does not oppose this request for extension.

Upon review, I find that Dr. McGinty's request is appropriate. I, therefore, grant Dr. McGinty's Request for Extension to File Direct Testimony. In view of Dr. McGinty's indication that he did not understand the Commission's filing requirements, Dr. McGinty's direct testimony and exhibits shall be due on February 13, 1998. In addition, the date for filing rebuttal testimony by all parties shall be extended. In accordance with Order No. PSC-97-1398-PCO-TL, issued November 6, 1997, rebuttal testimony is due February 16, 1998. In order to provide both parties with adequate time to prepare their rebuttal testimony, this date shall be extended to February 18, 1998. All other dates set forth in Order No. PSC-97-1398-PCO-TL shall remain the same.

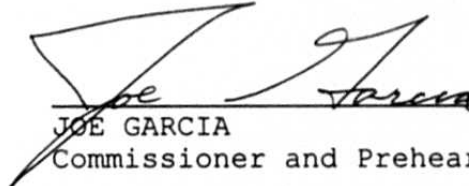
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It is, therefore

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the Request for Extension to File Direct Testimony submitted by Dr. William McGinty is granted as set forth in the body of this Order. It is further

ORDERED that the date for filing Rebuttal Testimony is extended to February 18, 1998.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 20th Day of February, 1998.



JOE GARCIA
Commissioner 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 120.569(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 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

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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.