

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-97-1619-PCO-TL
ISSUED: December 30, 1997

ORDER APPROVING ISSUES TO BE RESOLVED AT HEARING
AND CLARIFYING ORDER ON PROCEDURE

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.

Issues

In preparation for the hearing, Commission staff conducted an Issue Identification meeting on December 1, 1997. All the parties to this docket participated in the meeting. It is noted here that

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BellSouth Telecommunications, Inc. (BellSouth) filed a Petition to Intervene on December 2, 1997, upon which a ruling has not yet been made.

At the Issue Identification meeting, the parties and staff reached an agreement that the following issues should be addressed in this docket:

1. Would transferring a portion of the Sarasota exchange to the Bradenton exchange create unreasonable expenses for affected customers?
2. Should affected customers be balloted in order to determine if they are in favor of the boundary change?

I find these issues appropriate; therefore, the testimony filed in this docket shall address the issues set forth above. In accordance with Rule 25-22.038, Florida Administrative Code, changes and additions may be made to these issues at any time prior to and including the prehearing conference.

Clarification of Testimony Filing Dates

On November 6, 1997, Order No. PSC-97-1398-PCO-TL was issued. That Order set forth the procedures and filing dates for this docket. The Order did not, however, clearly indicate when the Petitioner's direct testimony and exhibits are due. As such, Order No. PSC-97-1398-PCO-TL is amended and clarified to reflect that the Petitioner's direct testimony and exhibits are due on February 2, 1998. Order No. PSC-97-1398-PCO-TL is reaffirmed in all other respects.

Based on the foregoing, it is therefore

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the testimony filed in this docket shall address the issues identified in the body of this Order. It is further

ORDERED that Order No. PSC-97-1398-PCO-TL is amended and clarified to reflect that Petitioner's direct testimony and exhibits shall be due February 2, 1998. It is further

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ORDERED that Order No. PSC-97-1398-PCO-TL is reaffirmed in all other respects.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 30th day of December, 1997.



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 120.59(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.