

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

M E M O R A N D U M

March 4, 1991

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF LEGAL SERVICES [HATCH, GREEN] *[Signature]*
DIVISION OF COMMUNICATIONS [LONG] *[Signature]*

RE : DOCKET NO. 891194-TL - PROPOSED TARIFF FILINGS BY
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY CLARIFYING
WHEN A NONPUBLISHED NUMBER CAN BE DISCLOSED AND
INTRODUCING CALLER ID TO TOUCHSTAR SERVICE

AGENDA: 03/05/91 - CONTROVERSIAL - PARTIES MAY PARTICIPATE

PANEL: FULL COMMISSION

CRITICAL DATES: ADDITIONAL HEARING SCHEDULED FOR MARCH 11, 1991

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the parties' agreement to stipulate into the evidentiary record of the Caller ID proceeding the documents identified in Order No. 24113 that were received by Public Counsel after the hearing, along with the full text of the depositions of Southern Bell's witnesses related to these documents?

RECOMMENDATION: Yes, the Commission should accept the parties' agreement to stipulate Public Counsel's documents and the related deposition transcripts into the evidentiary record.

STAFF ANALYSIS: By Order 23995, issued January 16, 1991, the Commission granted Public Counsel's motion for an additional limited hearing in the Caller ID proceeding. The limited hearing was limited the introduction of certain documents requested by Public Counsel in the course of discovery but not received until after the scheduled hearing had been held. By Order No. 24113, issued February 15, 1991 (Attachment A), the Prehearing Officer further limited the number of documents in question and admonished the parties to conduct further discovery in a spirit of cooperation

DOCUMENT NUMBER-DATE

02118 MAR-6 1991

FPSC-RECORDS/REPORTING

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with the goal of minimizing the required number of witnesses. At the prehearing conference held March 1, 1991, to finalize the procedures for the limited hearing, Public Counsel and Southern Bell presented their Agreement to the other parties and to the Prehearing Officer that the documents and the full text of the depositions taken regarding those documents be stipulated into the evidentiary record of the Caller ID proceeding and that the limited hearing scheduled for March 11, 1991, be cancelled. The other parties agreed. In addition, the Prehearing Officer recommends that the Agreement be accepted by the Commission. If the Commission accepts the Agreement and admits the documents and depositions into the evidentiary record, the limited hearing should be cancelled.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No, this docket should remain open pending the Commission's decision on the issues in this case.

STAFF ANALYSIS: This docket should remain open until the Commission renders its decision on the issues raised at the hearing held November 28 and 29, 1990. The special agenda is currently scheduled for April 18, 1991.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing by SOUTHERN) DOCKET NO. 891194-TL
BELL TELEPHONE AND TELEGRAPH COMPANY)
clarifying when a non-published number can) ORDER NO. 24113
be disclosed and introducing Caller ID to)
TouchStar Service) ISSUED: 2/15/91
)

Pursuant to Notice, a Prehearing Conference was held on February 1, 1991, in Tallahassee, Florida, before Commissioner Betty Easley, as Prehearing Officer.

APPEARANCES:

DAVID M. FALGOUST, Esquire, 675 West Peachtree Street, N.E., Suite 4300, Atlanta, Georgia 30375, and E. BARLOW KEENER, Esquire, c/o Marshall M. Criser, III, 150 So. Monroe Street, Suite 400, Tallahassee, Florida 32301, on behalf of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.

KIMBERLY CASWELL, Esquire, GTE Florida Incorporated, Post Office Box 110, MC 7, Tampa, Florida 33601, on behalf of GTE FLORIDA INCORPORATED.

ALAN N. BERG, Esquire, United Telephone Company of Florida, Post Office Box 5000, Altamonte Springs, Florida 32716-5000, on behalf of UNITED TELEPHONE COMPANY OF FLORIDA.

CHARLES J. BECK, Esquire, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on behalf of the CITIZENS OF THE STATE OF FLORIDA.

RICHARD E. DORAN and VIRLINDIA DOSS, Esquires, Department of Legal Affairs, The Capitol, Tallahassee, Florida 32399-1050, on behalf of the ATTORNEY GENERAL OF FLORIDA.

STEPHEN S. MATHUES, Esquire, Department of General Services, Office of General Counsel, Knight Building, Suite 309, Koger Executive Center, 2737 Centerview Drive, Tallahassee, Florida 32399-0950, on behalf of the DEPARTMENT OF GENERAL SERVICES.

ANGELA B. GREEN and TRACY HATCH, Esquires, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0863, on behalf of the COMMISSION STAFF.

DOCUMENT FILED DATE

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MARTHA C. BROWN, Esquire, Florida Public Service
Commission, 101 East Gaines Street, Tallahassee, Florida
32399-0862, on behalf of the COMMISSIONERS.

PREHEARING ORDER

This prehearing conference was convened on February 1, 1991, as directed in Order No. 23995, issued January 16, 1991. In that Order, we granted the Office of Public Counsel's (OPC's) Motion for Additional Limited Hearing filed December 20, 1990. The additional limited hearing has been set for March 11, 1991. The parameters of the additional limited hearing are set forth in Order No. 23995.

On January 25, 1991, OPC filed its Response to Order No. 23995 as directed by the Prehearing Officer. Replies to OPC's Response were filed by Southern Bell Telephone and Telegraph Company (Southern Bell) on January 31, 1991, and by GTE Florida Incorporated (GTEFL) on February 1, 1991.

OPC's Response lists a total of fifteen (15) documents OPC desires to utilize at the upcoming limited hearing, along with the issue(s) to which each document relates, as well as a statement of how the document relates to the particular issue(s). Southern Bell's Reply addresses each document listed by OPC and asserts that a number of the documents should be stricken because they either present no new information at all or present information not reasonably related to the issues identified in Order No. 23791. GTEFL's Reply asserts that while it has not had the opportunity to review the documents listed in OPC's Response, that it is clear from OPC's descriptions that all of them: (1) relate to issues already thoroughly discussed at the hearing; (2) discuss possible future offerings for which no tariff has been filed; and/or (3) involve internal Southern Bell discussion and debate rendered moot by the company's subsequent policy decisions.

The Prehearing Officer heard arguments from all parties present regarding which documents OPC should be allowed to utilize at the upcoming limited hearing and which documents should be stricken from OPC's list. The Prehearing Officer also reviewed a copy of each of the documents. The fifteen (15) documents identified by OPC are shown below, along with the Prehearing Officer's ruling on each document. OPC's detailed justification

for each of these items is filed under Commission Document No. 91-00849. Southern Bell's detailed response to each of the documents is filed under Commission Document No. 90-01020. Those arguments will not be repeated here, but rather, a summary of the ruling on each document will be given.

DOCUMENTS IDENTIFIED BY OPC

1. Memorandum dated August 6, 1990, from Gary J. Dennis to Tom Hamby and Ernest Bush (Issues 5 and 9). ALLOWED - appears to be relevant without being unduly repetitious; appears to present a position different than that taken during the hearing.

2. Undated memorandum from W.J. Schultz, Staff Manager, to J.R. Monk, General Security Manager, with attached article from the New York Times dated January, 1990 (Issues 5 and 6). ALLOWED - not opposed by any party.

3. Memorandum dated April 25, 1990, from M.E. Cox to Pat Casey, with attached letter dated April 16, 1990, from Operations Manager - RSSC to Assistant Vice President-Public Affairs (Issue 5). ALLOWED - not opposed by any party.

4. Minutes of the Meeting of the TouchStar Implementation Team dated October 19, 1989 (Issues 5 and 6). ALLOWED - not opposed by any party.

5. Letter dated December 12, 1989, from Terry Lane, Manager-Security, to Janet Bernstein, Staff Manager - LOB Network (Issues 5 and 6). WITHDRAWN by OPC.

6. Memorandum dated March 20, 1990, from D.A. Wallace, Manager-Florida Call Annoyance Center, Southern Bell, to W.J. Schultz, Manager-Security, BellSouth Corporation (Issue 6). ALLOWED - appears to be relevant without being unduly repetitious; appears to present a position different than that taken during the hearing.

7. Letter dated June 1, 1990, from J.R. Monk, General Security Manager (BSC) to P.H. Casey, Vice President and Comptroller (BSC), M.E. Cox, Assistant Vice President-Security (SCS), and J.L. Schmidt, Assistant Vice President-Security (SB)

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(Issues 6 and 10). STRICKEN - relates to that part of OPC's Motion to Compel that was denied.

8. Letter dated June 12, 1990, from P.H. Casey, Vice President and Comptroller, to N.C. Baker, Senior Vice President-Regulatory and Pricing (BSS), and D.L. Strohmeier, Vice President-Marketing (BSS) (Issues 5, 6, and 10). STRICKEN - for the same reason as Item number 7.

9. Memorandum from M.E. Cox to Mr. Sanders and Mr. Casey, forwarding a copy of a presentation made to the C.M.O.C. on June 11, 1990 (Issues 6 and 10). STRICKEN - for the same reason as Item number 7.

10. Letter dated September 20, 1989, from P.H. Casey, Vice President and Comptroller, BSC, to Don Strohmeier, Vice President-Marketing, SCB (Issues 5, 6, and 10). WITHDRAWN by OPC.

11. Letter dated November 7, 1989, from Richard Browne to J.R. Monk (Issue 6). RULING WITHHELD - OPC and Southern Bell will attempt to resolve this independently.

12. Letter dated April 23, 1990, from D.L. Stohmeyer, Vice President-Marketing (BSS) to P.H. Casey, Vice President and Comptroller (BSC), C.J. Sanders, Vice President and Comptroller (SCB), and L.L. Schoolar, Vice President and Comptroller (SB) (Issues 6 and 10). STRICKEN - for the same reason as Item number 7.

13. Letter dated September 1, 1989, from J.R. Monk, General Security Manager, to P.H. Casey, Vice President and Comptroller (Issues 6 and 10). STRICKEN - for the same reason as Item number 7.

14. AIN Released O Business Case dated March, 1990, pages 50-51 and 123-124 (Issues 5 and 6). STRICKEN - relates to that part of OPC's Motion to Compel that was denied.

15. TouchStar Implementation Meeting Minutes dated September 10, 1990 (Issue 6). ALLOWED - appears to be relevant without being unduly repetitious; appears to present a position different than that taken during the hearing.

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WITNESSES IDENTIFIED BY
OPC/SOUTHERN BELL

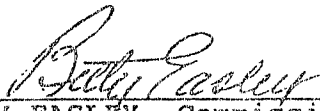
<u>Doc. No.</u>	<u>Witness</u>
1	Gary J. Dennis
2	W.J. Schultz
3	M.E. Cox
4	to be identified
6	D.A. Wallace
11	Ruling on document pending
15	to be identified

The Prehearing Officer has directed that all discovery in this matter be completed by March 1, 1991. A second prehearing conference has been scheduled for March 1, 1991, at 8:30 a.m. to finalize the procedures for the additional limited hearing set for March 11, 1991.

Based on the foregoing, it is

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 15th day of FEBRUARY, 1991.



BETTY EASLEY, Commissioner
as Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.58(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 sewer 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.