

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Review of)
 Rates and Charges Paid by PATS)
 Providers to LECs)

DOCKET NO: 860723-TP
 ORDER NO: 24425
 ISSUED: 4/24/91

ORDER DENYING REQUEST FOR ORAL ARGUMENT
AND GRANTING MOTION TO ENLARGE TIME

On February 14, 1991, we issued Order No. 24101, our Final Order after hearing in this docket. Subsequently, a number of parties filed motions for reconsideration of Order No. 24101. These motions shall be considered by the full Commission at an upcoming Agenda Conference. The purpose of the instant order is to address two other motions which were filed following the issuance of Order No. 24101.

On March 1, 1991, the Florida Pay Telephone Association, Inc. (FPTA) filed a Request for Oral Argument (Request) in conjunction with its Motion for Reconsideration of Order No. 24101. As grounds for its Request, FPTA asserts that oral argument will aid the Commission's understanding of the issues raised on reconsideration and will assist in clarifying those areas of the Commission's decision which are based on a mistake of fact or law. As Prehearing Officer, I have considered FPTA's Request and have determined that it shall be denied. I do not believe that oral argument would aid the Commission's understanding of the issues in this docket, nor do I believe oral argument will contribute to the expeditious resolution of these proceedings.

As to the second pending motion, on March 7, 1991, United Telephone Company of Florida (United or the Company) filed a Motion to Enlarge Time for Filing Motion for Reconsideration (Motion). By this Motion, United has requested a one-day extension of time in which to file its Motion for Reconsideration of Order No. 24101. As grounds for its Motion, United asserts that Order No. 24101, while issued on February 14, 1991, was not received by the Company until February 19, 1991. Further, Order No. 24101 is 73 pages long and covers many complicated and technical issues. In addition, United does not believe that granting it a one-day extension of time will delay Commission deliberations or prejudice or injure any party or the public in any way. In the alternative, United opines that Rule 25-22.028(4), Florida Administrative Code, which provides five additional days for mailing time, applies to motions for reconsideration and, therefore, its Motion for Reconsideration was not filed late.

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I do not agree with United's alternative argument; therefore, I find that United's Motion for Reconsideration of Order No. 24101, filed March 4, 1991, is in fact one day late. However, given the facts and circumstances set forth by the Company, I find an extension of time to be both reasonable and appropriate. Accordingly, United's Motion to Enlarge Time shall be granted.


Based on the foregoing, it is

ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that the Request for Oral Argument filed by the Florida Pay Telephone Association, Inc. on March 1, 1991, is hereby denied as set forth in the body of this Order. It is further

ORDERED that the Motion to Enlarge Time for Filing Motion for Reconsideration filed by United Telephone Company of Florida on March 7, 1991, is hereby granted as set forth herein. It is further

ORDERED that this docket shall remain open.

By ORDER of Chairman Thomas M. Beard, as Prehearing Officer, this 24th day of APRIL, 1991.


THOMAS M. BEARD, 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

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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.