

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filings by)	DOCKET NO. 890505-TL
Southern Bell Telephone and Telegraph)	
Company to restructure and reprice)	ORDER NO. 22909
private line and special access)	
services and to waive nonrecurring)	ISSUED: 5-8-90
charges for high capacity services.)	
)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL McK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER

ORDER DENYING SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY'S MOTIONS FOR RECONSIDERATION
OF ORDERS NOS. 22488, 22489 AND 22527

BY THE COMMISSION:

Southern Bell Telephone and Telegraph Company (Southern Bell) has filed Motions for Reconsideration of Orders Nos. 22488, 22489, 22501, and 22527. The Public Counsel has filed Motions in Opposition to Southern Bell's Motions for Reconsideration of Orders Nos. 22489 and 22527. The Florida Ad Hoc Users Committee has also filed a Motion in Opposition to Southern Bell's request for reconsideration of Order No. 22527.

In its Motion for Reconsideration of Order No. 22488, Southern Bell has argued that we should overturn the Prehearing Officer's decision to grant Public Counsel's Motion to Compel production of documents on the same grounds it argued to the Prehearing Officer of irrelevance and burdensomeness.

In its Motion for Reconsideration of Order No. 22489, Southern Bell has argued that we should reverse the Prehearing Officer's decision to grant Public Counsel's Motion to Compel Southern Bell to respond to interrogatories. Southern Bell, in this Motion, has stated that this information is not needed by Public Counsel, that Southern Bell should not be required to expend time and expense to respond to Public Counsel's interrogatories pursuant to the Rules of Civil Procedure, and finally, that for it to have to respond to these

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interrogatories would be unduly burdensome. These arguments are identical to those raised before the Prehearing Officer.

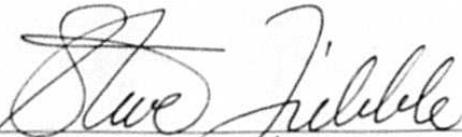
In its Motion for Reconsideration of Order No. 22527, Southern Bell has argued that its ESSX Loop Cost Study is not relevant to this proceeding. The Prehearing Officer addressed these same arguments and concluded that this information is relevant to the appropriateness of the private line/special access rate changes requested by Southern Bell.

Based on our review of the pleadings and these Orders, Southern Bell has restated the same arguments and positions that it presented to the Prehearing Officer. The Orders issued by the Prehearing Officer have addressed Southern Bell's arguments and positions. No error in law or fact has been identified by Southern Bell. Therefore, we find it appropriate to deny Southern Bell's Motions for Reconsideration of Orders Nos. 22488, 22489, and 22527, and we hereby affirm the decisions of the Prehearing Officer.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's Motions for Reconsideration of Orders Nos. 22488, 22489, and 22527 are hereby denied.

By ORDER of the Florida Public Service Commission, this 8th day of MAY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 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.