

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Escambia Board of)	DOCKET NO. 871268-TL
County Commissioners for extended)	
area service between all Escambia)	ORDER NO. 21588
County communities)	
_____)	ISSUED: 7-20-89

ORDER GRANTING ESCAMBIA COUNTY'S
MOTION FOR EXTENSION OF TIME

This docket was initiated upon a request for countywide Extended Area Service (EAS) filed by the Escambia Board of County Commissioners on December 1, 1987. The exchanges involved in this request are served by either Southland Telephone Company (Southland) or Southern Bell Telephone and Telegraph Company (Southern Bell). In addition to involving intercompany routes, this request also involves interLATA (Local Access Transport Area) routes.

Order No. 18615, issued December 29, 1987, directed Southland and Southern Bell to complete traffic studies on the affected routes. Subsequently, Order No. 19000, issued March 21, 1988, granted the companies an extension of time to complete and submit the traffic data due to the complexities inherent in completing an interLATA traffic study.

By Order No. 20605, issued January 17, 1989, the Commission proposed granting countywide EAS in Escambia County upon terms specified within the Order. On February 2, 1989, before the proposed agency action became final, Southland filed its Petition protesting the action proposed by the Commission in Order No. 20605.

On March 31, 1989, an order on Prehearing Procedure, Order No. 20970 was issued. This order identified the issues to be addressed in the hearing scheduled for May 23, 1989, and set out a time frame to be followed by the parties for key activities in the proceeding.

On April 12, 1989, Southern Bell filed a Motion for Extension of Time seeking additional time in which to submit its prefiled testimony. Southern Bell asserted that such an extension of time was necessary in order to complete an accurate and proper economic study and updated traffic studies, both of which Southern Bell considered essential to its testimony in this docket. In support of its request for additional time, Southern Bell cited Rule 25-4.060(1), Florida

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Administrative Code, which allows a company up to sixty (60) days to complete traffic studies, and Rule 25-4.061(2), Florida Administrative Code, which provides up to ninety (90) days for completing an economic impact study.

By Order No. 21214, issued May 9, 1989, we granted Southern Bell's Motion of Extension of Time. Southern Bell was granted sixty (60) days to complete and submit current traffic studies and ninety (90) days to complete and submit an updated economic impact analysis, with both of these time limits measured from March 31, 1989, the issuance date of the Order on Prehearing Procedure.

At the Prehearing Conference held in this Docket on May 10, 1989, it was determined that the updated traffic study and updated economic impact analysis to be filed by Southern Bell would not be available until after the Public Hearing scheduled for May 23, 1989. Although not required to do so, counsel for Escambia County stated on the record that he was specifically reserving the right to object to these late-filed exhibits, including the right to cross examine those who prepared the exhibits.

On June 7, 1989, a Motion Hearing was held for the limited purpose of considering the confidentiality issues in this Docket. As a result of that Hearing, the Commission issued Order No. 21484 which granted confidential status to the interLATA traffic data filed by both Southern Bell and Southland in this Docket. The Prehearing Officer ruled that existing Orders No. 19769, 19978, and 20057 were broad enough by their terms to encompass the updated versions of the same data filed and due to be filed by both Southern Bell and Southland.

Southern Bell filed its updated traffic study data on May 30, 1989, and its updated economic impact study on June 29, 1989.

On July 11, 1989, Escambia County filed a Motion for Extension of Time, requesting additional time in which to file its brief in this Docket. As grounds for its request, Escambia County cites the importance of the traffic studies and the economic impact data in this Docket, along with Escambia County's desire to cross examine the individuals who prepared

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both of these documents. Additionally, Escambia County notes that it did not receive its copy of Southern Bell's economic impact filing until July 3, 1989, and thereafter did not receive protective agreements and confidential data until July 10, 1989, although briefs of the parties were scheduled to be filed on or before July 14, 1989. Escambia County asserts that it would be difficult, if not impossible, to conduct discovery and file a brief under such time constraints. Counsel for Escambia County represents that none of the parties have any objections to granting a reasonable extension of time.

Upon consideration, I find it appropriate to grant Escambia County's Motion for Extension of Time. Briefs for all parties shall be filed on or before August 4, 1989. This change in the filing date for briefs necessitates a change in the date of the Agenda Conference at which we will make a final decision in this Docket. This Docket shall be rescheduled from the Agenda Conference of August 29, 1989, to the next regularly scheduled Agenda Conference, which is September 19, 1989. The due date for a recommendation from our staff is to be adjusted accordingly.

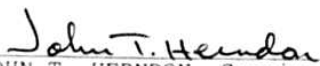
Therefore, based on the foregoing, it is

ORDERED by Commissioner John T. Herndon, as Prehearing Officer, that the Motion for Extension of Time filed on July 11, 1989, by Escambia County is granted to the extent outlined in the body of this Order. It is further

ORDERED that the briefs of the parties to this Docket shall be filed on or before August 4, 1989. It is further

ORDERED that the final decision in this Docket shall be rescheduled to our Agenda Conference of September 19, 1989, for the reasons set forth in the body of this Order.

By ORDER of Commissioner John T. Herndon, as Prehearing Officer, this 20th day of July, 1989.



 JOHN T. HERNDON, Commissioner
 and Prehearing Officer

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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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.