

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Modified Minimum Filing Require-)	DOCKET NO. 910927-TL
ments Report of ST. JOSEPH TELEPHONE AND)	ORDER NO. 25654
TELEGRAPH COMPANY)	ISSUED: 1-29-92
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ORDER ON PREHEARING PROCEDURE

Pursuant to the provisions of Rule 25-22.038, Florida Administrative Code, all parties and Staff are hereby required to file with the Director of Records and Reporting a prehearing statement on or before February 7, 1992. Each prehearing statement shall set forth the following:

- (a) all known witnesses that may be called and the subject matter of their testimony;
- (b) all known exhibits, their contents, and whether they may be identified on a composite basis and witness sponsoring each;
- (c) a statement of basic position in the proceeding;
- (d) a statement of each question of fact the party considers at issue and which of the party's witnesses will address the issue;
- (e) a statement of each question of law the party considers at issue;
- (f) a statement of each policy question the party considers at issue and which of the party's witnesses will address the issue;
- (g) a statement of the party's position on each issue identified pursuant to paragraphs (d), (e) and (f) and the appropriate witness;
- (h) a statement of issues that have been stipulated to by the parties;
- (i) a statement of all pending motions or other matters the party seeks action upon; and
- (j) a statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore.

DOCUMENT NUMBER-DATE

00999 JAN 29 1992

FPSC-RECORDS/REPORTING

ORDER NO. 25654
DOCKET NO. 910927-TL
PAGE 2

The original and fifteen copies of each prehearing statement must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of February 7, 1992. Failure of a party to timely file a prehearing statement shall be a waiver of any issues not raised by other parties or by the Commission Staff. In addition, such failure shall preclude the party from presenting testimony in favor of his or her position on such omitted issues. Copies of prehearing statements shall also be served on all parties. Prehearing statements shall substantially conform to the Florida Rules of Civil Procedure requirements as to form, signatures, and certifications.

Each party is required to prefile all exhibits and all direct testimony it intends to sponsor in written form. Prefiled testimony shall be typed on standard 8 1/2 x 11 inch transcript quality paper, double spaced, with 25 numbered lines, in question and answer format, with a sufficient left margin to allow for binding. An original and fifteen copies of each witness' prefiled testimony and each exhibit must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the due date. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony. Copies of all prefiled testimony shall also be served by the sponsoring party on all other parties.

A final prehearing conference will be held on February 17, 1992 in Tallahassee. The conditions of Rule 25-22.038(5)(b), Florida Administrative Code, will be met in this case and the following shall apply:

Any party who fails to attend the final prehearing conference, unless excused by the prehearing officer, will have waived all issues and positions raised in his or her prehearing statement.

Any issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party, except for good cause shown. A party seeking to raise a new issue after the issuance of the prehearing order shall demonstrate that: he or she was unable to identify the issue because of the complexity of the matter; discovery or other

ORDER NO. 25654
DOCKET NO. 910927-TL
PAGE 4

An example of the typical exhibit identification format is as follows:

Docket No. 870675-TL
J. Doe Exhibit No. _____
Cost Studies for Minutes Of Use by Time of Day
(JXD-1)

The following dates have been established to govern the key activities of this proceeding in order to maintain an orderly procedure.

1. February 7, 1992 - Direct Testimony to be filed
2. February 7, 1992 - Prehearing Statements to be filed
3. February 17, 1992 - Rebuttal Testimony to be filed
4. February 17, 1992 - Prehearing Conference
5. February 27, 1992 - Hearing to be held.

Attached to this order as Appendix "A" is a tentative list of the issues which will be addressed in this proceeding. Prefiled testimony and prehearing statements shall be addressed to the issues set forth in Appendix "A".

Because of the compressed time schedule in this proceeding, all parties are encouraged to respond to all discovery requests as expeditiously as possible. In addition, all testimony shall be hand-delivered to all parties or served by overnight delivery. Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by February 20, 1992.

ORDER NO. 25654
DOCKET NO. 910927-TL
PAGE 4

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Attached to this order as Appendix "A" is a tentative list of the issues which will be addressed in this proceeding. Prefiled testimony and prehearing statements shall be addressed to the issues set forth in Appendix "A".

Because of the compressed time schedule in this proceeding, all parties are encouraged to respond to all discovery requests as expeditiously as possible. In addition, all testimony shall be hand-delivered to all parties or served by overnight delivery. Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by February 20, 1992.

ORDER NO. 25654
DOCKET NO. 910927-TL
PAGE 5

By ORDER of J. TERRY DEASON, Commissioner and Prehearing
Officer, this 29th day of January, 1992.



J. TERRY DEASON, Commissioner
and Prehearing Officer

(S E A L)

ABG

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,

ORDER NO. 25654
DOCKET NO. 910927-TL
PAGE 6

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.

ORDER NO. 25654
DOCKET NO. 910927-TL
PAGE 7

"APPENDIX A"

LIST OF ISSUES

- ISSUE 1: What is the appropriate equity ratio for St. Joseph Telephone and Telegraph Company for the purposes of this limited proceeding?
- ISSUE 2: What is the total amount of revenue to be placed subject to refund?