

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate) DOCKET NO. 910980-TL
increase by UNITED TELEPHONE) ORDER NO. PSC-92-0099-PCO-TL
COMPANY OF FLORIDA) ISSUED: 3/24/92

ORDER UPON RECONSIDERATION OF ORDER NO. 25807

By Order No. 25807, issued February 26, 1992 (the Order), the prehearing procedure was established for this docket. Specifically, the Order requires our staff to file direct testimony on March 19, 1992, and for the parties to file rebuttal testimony on March 25, 1992. The hearing is scheduled to commence on April 15, 1992. The Order also requires that all discovery be completed by April 6, 1992, unless authorized by the Prehearing Officer for good cause shown. On March 3, 1992, the Office of Public Counsel (OPC) filed a Motion for Reconsideration of Order No. 25807 (the Motion). No party filed in opposition to the Motion.

In its Motion, OPC states that because significant testimony will be filed late in March, an April 6, 1992, completion date for all discovery is not reasonable. OPC requests that the Prehearing Officer amend the Order to simply require all discovery to be reasonable under the facts and circumstances. Upon review, I find the request to be reasonable. However, barring unusual circumstances, I will limit discovery beyond April 6, 1992, to the scope of rebuttal.

OPC also requests that the Prehearing Officer delete the provision from the Order that limits the number of interrogatories and requests for production of documents. OPC again asks that a reasonableness standard govern the number of such requests. Upon review, I find this request to be reasonable and delete the provision limiting discovery and apply a reasonableness standard should a discovery dispute arise.

Finally, OPC requests that the provision in the Order requiring sequential numbering of discovery requests from one set to the next be deleted. OPC served discovery that does not comport with this requirement prior to the issuance of the Order. OPC notes that there should be no confusion because each set of its discovery is separately numbered. Upon review, I find the request to be reasonable under the circumstances, and delete the requirement that sets interrogatories and requests for production of documents be numbered sequentially from the previous set. However, I would urge OPC to employ sequential numbering in future proceedings, as it facilitates the tracking of questions and responses.

DOCUMENT NUMBER-DATE

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Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that reconsideration of Order No. 25807 is hereby granted to the extent set forth in the body of this Order. It is further


ORDERED that the discovery completion date of April 6, 1992, set forth in Order No. 25807, does not apply to discovery for the purpose of rebuttal testimony filed late in this case. A reasonableness standard shall be used to resolve disputes regarding such discovery. It is further

ORDERED that the limit on the number of interrogatories and requests for production of documents in this case, as set forth in Order No. 25807, shall not apply. It is further

ORDERED that the requirement of sequential numbering of discovery from one set to the next, shall not apply. It is further

ORDERED that all other provisions of Order No. 25807 shall remain in effect.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 24th day of MARCH, 1992.



SUSAN F. CLARK, Commissioner
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 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, 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.