

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of ) DOCKET NO. 920260-TL  
the revenue requirements and ) ORDER NO. PSC-95-1046-PCO-TL  
rate stabilization plan of ) ISSUED: August 23, 1995  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY. )  
\_\_\_\_\_)

ORDER GRANTING MOTION TO FILE SUPPLEMENTAL BRIEF AND  
ALLOWING ALL PARTIES TO FILE SUPPLEMENTAL BRIEFS

At the hearing held July 31, 1995, in this docket, four legal issues concerning the impact of certain revisions to Chapter 364, Florida Statutes were identified. Among those identified was Legal Issue 4, which reads as follows:

Legal Issue No. 4: Does Southern Bell's ECS proposal violate any other provision of the revised Chapter 364, Florida Statutes, excluding those previously identified in the positions on the issues listed in the prehearing order?

The other three legal issues address specific provisions of Chapter 364, Florida Statutes. The parties were directed to respond to these issues in the post-hearing briefs, which were filed August 17, 1995.

In addition to filing its post hearing brief, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) filed a Motion for Leave to File Supplemental Brief on August 17, 1995. While indicating that the four additional issues "bear consideration by the Commission", Southern Bell states "the inclusion of this issue (Legal Issue No. 4) at this point leaves Southern Bell in a patently untenable position" because "...Southern Bell does not have the ability to respond to whatever legal arguments may be raised." The issue raised by Southern Bell is well taken and applicable to all parties in this proceeding. Therefore, Southern Bell's Motion for Leave to File Supplemental Brief is granted to allow Southern Bell to respond to any new issue raised in the parties arguments addressing Legal Issue No. 4. In addition, to assure that all parties have an opportunity to respond to any argument addressing Legal Issue No. 4 raised for the first time in post hearing briefs, all parties are hereby granted leave to file supplemental briefs responding to any argument addressing Legal Issue No. 4 raised for the first time in

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post hearing briefs. All supplemental briefs shall be filed on or before August 29, 1995.

While the time for responding to Southern Bell's motion has not yet run, this action is appropriate to afford all parties a fair opportunity to respond to this issue.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Southern Bell's Motion for Leave to File Supplemental Brief is granted to allow Southern Bell to respond to any new issue raised in the parties arguments addressing Legal Issue No. 4. It is further

ORDERED that all parties are hereby granted leave to file supplemental briefs responding to any argument addressing Legal Issue No. 4 raised for the first time in post hearing briefs. It is further

ORDERED that all supplemental briefs shall be filed on or before August 29, 1995.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this 23rd day of August, 1995.

  
SUSAN F. CLARK, 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 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.