

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Determination of funding ) DOCKET NO. 950696-TP  
for universal service and ) ORDER NO. PSC-95-1145-PCO-TP  
carrier of last resort ) ISSUED: September 15, 1995  
responsibilities. )  
\_\_\_\_\_ )

ORDER DENYING MOTION FOR ORDER  
INITIATING SECOND PHASE OF PROCEEDING

Pursuant to Section 364.025(2), Florida Statutes, this Commission is required to implement an interim mechanism for maintaining universal service (US) objectives and funding carrier of last resort (COLR) obligations by no later than January 1, 1996. The purpose of this proceeding is to determine the appropriate interim mechanism. Section 364.025(4), Florida Statutes, also requires this Commission to furnish a recommendation, to the Governor, the President of the Senate, the Speaker of the House, and the minority leaders of the Senate and the House, by no later than January 1, 1997, regarding a permanent universal service and carrier of last resort mechanism.

On August 2, 1995, the Florida Cable Telecommunications Association (FCTA) filed a motion for an order initiating a second phase of this proceeding. On August 3, 1995, the Office of Public Counsel concurred with FCTA's motion. On August 4, Time Warner AxS of Florida, L.P. and Digital Media Partners concurred with FCTA's motion. On August 7, 1995, TCG South Florida concurred with FCTA's motion.

FCTA argues that this Commission is required, under Section 364.025(4), Florida Statutes, to address a permanent, as well as an interim, US/COLR mechanism. It argues that this Commission will severely limit itself if it only considers an interim US/COLR mechanism in this proceeding. According to FCTA, the issues involved with and the parties affected by any interim or permanent US/COLR mechanism are likely to be similar, if not identical, and it would, therefore, be expeditious to initiate a second phase to this proceeding at this time. FCTA argues that "[t]he Commission can conserve valuable resources through the full participation and assistance of interested parties." It also argues that "it is critical that the Commission establish a procedural vehicle by which all interested persons and the public may participate in the development of the Commission's January 1, 1997 recommendation to the Legislature."

DOCUMENT NUMBER-DATE

09101 SEP 15 95

FPCO-RECORDS/REPORTING

ORDER NO. PSC-95-1145-PCO-TP  
DOCKET NO. 950696-TP  
PAGE 2

The purpose of this docket is to to implement an interim mechanism for maintaining US objectives and funding COLR obligations by no later than January 1, 1996. Any consideration of a permanent mechanism for maintaining US objectives and funding COLR obligations is premature at this time. FCTA's motion for an order initiating a second phase of this proceeding is, therefore, denied.

It is, therefore,

ORDERED by Chairman Susan F. Clark, as Prehearing Officer, that the Florida Cable Telecommunications Association's motion for an order initiating a second phase of this proceeding is denied.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this 15<sup>th</sup> day of September, 1995.

  
\_\_\_\_\_  
SUSAN F. CLARK, Chairman and  
Prehearing Officer

( S E A L )

RJP

ORDER NO. PSC-95-1145-PCO-TP  
DOCKET NO. 950696-TP  
PAGE 3

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.