

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Alexander ) DOCKET NO. 950235-TL  
Tomas against BellSouth ) ORDER NO. PSC-95-1577-PCO-TL  
Telecommunications, Inc. d/b/a ) ISSUED: December 21, 1995  
Southern Bell Telephone and )  
Telegraph Company regarding )  
charges for rotary service. )  
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ORDER BIFURCATING PROCEEDINGS

This docket was opened on February 28, 1995 in response to a complaint by Alexander Tomas alleging that BellSouth Telecommunications, Inc. (BellSouth) was incorrectly applying its rotary service tariff and that various customers were due refunds. On November 21, 1995, the Petitioners<sup>1</sup> and BellSouth filed a joint motion to bifurcate these proceedings. The parties propose that this matter be bifurcated to allow consideration of whether or not BellSouth is properly applying its tariff, whether refunds are appropriate, and how refunds, if appropriate, should be calculated in Phase 1. Phase 2, if necessary, will deal with factual claims of individual petitioners and amount of refunds due to each petitioner.

I find it appropriate to bifurcate these proceedings. There is no need for the Commission to hear evidence as to what amount of refunds is due until it decides whether any refund is appropriate. If the Commission determines that refunds are appropriate, the amount to be refunded should be determined at that time.

It is, therefore,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the Joint Motion to Bifurcate Hearing filed by BellSouth Telecommunications, Inc. and the Petitioners in this docket is granted as described in the body of this Order. It is further

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<sup>1</sup> Pizza Hut of America, Inc., Walgreen Co., Coldwell Banker Residential Real Estate, Inc., Calvery Chapel of Ft. Lauderdale, Calvery Chapel of Sunrise, First Lutheran Church, Kent Security, Florida Radio Rental, Greenwich Condominium Association, Tri-County Concrete Products, Valley Forge Fabrics, Ocean Ranch Hotel, and Christ Lutheran Church.

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ORDERED that the generic issues relating to tariff interpretation will be determined in Phase 1 of this hearing. It is further

ORDERED that specific factual issues relating to each petitioner will be decided, if necessary, in Phase 2 of this proceeding.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 21st day of December., 1995.

  
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J. TERRY DEASON, Commissioner and  
Prehearing Officer

( S E A L )

LMB

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)

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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.