

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Dade County Circuit) DOCKET NO. 951270-TI
Court referral of certain issues) ORDER NO. PSC-97-0395-PCO-TI
in Case No. 94-14234-CA-22 (S.H.)) ISSUED: April 11, 1997
Dohan & Company, P.A. vs.)
Transcall America, Inc. d/b/a)
ATC Long Distance) that are)
within the Commission's)
jurisdiction.)

ORDER ON PROCEDURAL MOTIONS

Dohan & Company, P.A. (Dohan) brought this complaint against Transcall America, Inc., d/b/a ATC Long Distance (Transcall) for alleged improper billing before the 11th Circuit Court on March 22, 1995, upon a Stipulation Regarding Conditional Class Certification and Settlement. On August 3, 1995, the Court issued an I. Order Determining Claim to Be Maintained as Class Action II. Final Order Approving Class Action Settlement III. Order Staying Action and Transferring Same to the Florida Public Service Commission. Therein, the Court stated that Dohan's claims raise issues regarding Transcall's billing system and the application of tariff provisions that are within the specialized expertise and jurisdiction of the Commission. Accordingly, this docket was opened to address the specific issues referred to us. Discovery has ensued and this matter has been set for hearing.

On April 1, 1997, Dohan filed Plaintiff's Motion for Extension of Time to File Testimony of Dan Merritt, For Expedited Treatment of This Motion and Other Appropriate Relief as well as Plaintiff's Expedited Motion to Compel Damage Testimony or to Preclude It From Trial. Upon consideration and having been fully advised in the premises, I hereby deny both motions for insufficiency of the pleadings and absence of merit.

It is, therefore

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Dohan & Company, P.A.'s Motion for Extension of Time to File Testimony of Dan Merritt, For Expedited Treatment of This Motion, and Other Appropriate Relief is hereby denied. It is further

ORDERED that Dohan & Company, P.A.'s Expedited Motion to Compel Damage Testimony or to Preclude It From Trial is denied.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 11th day of April, 1997.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

BC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 25-22.0376, 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.