

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of
BellSouth Telecommunications,
Inc.'s entry into interLATA
services pursuant to Section 271
of the Federal
Telecommunications Act of 1996.

DOCKET NO. 960786-TL
ORDER NO. PSC-97-1037-PCO-TL
ISSUED: August 29, 1997

ORDER GRANTING PETITION TO INTERVENE AND
DENYING MOTION TO FILE LATE PREHEARING STATEMENT

Pursuant to Section 271(d)(3) of the Telecommunications Act of 1996 (the Act), the Federal Communications Commission (FCC) has 90 days to issue a written determination approving or denying a Bell Operating Company's (BOC) application for interLATA authority. Further, the FCC is directed to consult with the appropriate State Commission before making a determination regarding the BOC's entry into the interLATA market. Specifically, the ACT requires the FCC to consult with the State Commission in order to verify the BOC's compliance with the requirements of Section 271(c) of the Act. On June 28, 1996, we opened this docket to begin to fulfill our consultative role. Evidence will be presented on whether BellSouth Telecommunications, Inc. (BellSouth) has met the requirements of Section 271(c) of the Act during the hearing, which is scheduled to begin on September 2, 1997.

On August 22, 1997, the Communications Workers of America (CWA) filed a Petition to Intervene and a Motion to File Late Prehearing Statement, as well as a Prehearing Statement. No response has been filed to either the petition or the motion, and counsel for each of the parties have indicated that they do not object to CWA's intervention in this proceeding.

Upon review, CWA's Petition to Intervene is granted. CWA's Motion to File Late Prehearing Statement is, however, denied. In accordance with Rule 1.230, Florida Rules of Civil Procedure, and acknowledged by CWA in its own Motion, an intervenor takes the case as it finds it. See also Weiss v. Courshon, 618 So. 2d 258 (Fla. 3rd DCA 1993). The Second Order Establishing Procedure, Order No. PSC-97-0703-PCO-TL, issued in this docket, set August 5, 1997, as the date for filing prehearing statements. I shall not waive that filing date upon a request filed over two weeks after the filing

DOCUMENT NUMBER-DATE

08791 AUG 29 5

FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-1037-PCO-TL
DOCKET NO. 960786-TL
PAGE 2

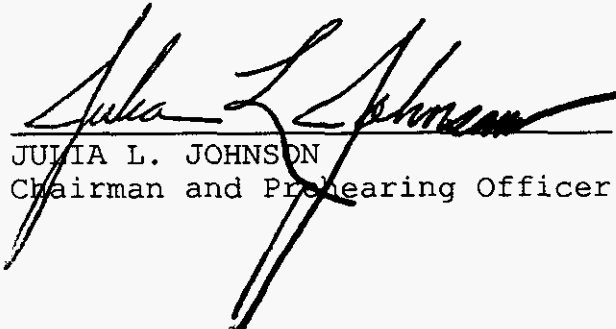
date and 11 days before the hearing. Pursuant to the Initial Order Establishing Procedure, Order No. PSC-96-0945-PCO-TL, issued July 19, 1996, CWA shall be deemed to have waived any issue not already raised by the other parties, and shall be precluded from presenting testimony in support of its position. CWA shall, otherwise, be allowed to participate fully in this proceeding.

Based on the foregoing, it is therefore

ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that the Communications Workers of America's Petition to Intervene is granted. It is further

ORDERED that the Communications Workers of America's Motion to File Late Prehearing Statement is denied.

By ORDER of Chairman Julia L. Johnson, as Prehearing Officer, this 29th Day of August, 1997.



JULIA L. JOHNSON
Chairman and Prehearing Officer

(S E A L)

BC

ORDER NO. PSC-97-1037-PCO-TL
DOCKET NO. 960786-TL
PAGE 3

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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.