

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of the Revenue Requirements and Rate Stabilization Plan of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.)	DOCKET NO. 920260-TL
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In re: Show cause proceedings against SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY for misbilling customers.)	DOCKET NO. 900960-TL
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In re: Petition on behalf of Citizens of the State of Florida to initiate investigation into integrity of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY's repair service activities and reports.)	DOCKET NO. 910163-TL
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In re: Investigation into SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY's compliance with Rule 25-4.110(2), F.A.C., Rebates.)	DOCKET NO. 910727-TL ORDER NO. PSC-93-0236-PCO-TL ISSUED: 02/12/93
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ORDER DENYING MOTION BY THE ATTORNEY GENERAL
AND THE CITIZENS FOR ORDER CLARIFYING
THE SCOPE AND PURPOSE OF THESE PROCEEDINGS

The Attorney General and the Citizens jointly filed a Motion for Order Clarifying the Scope and Purpose of These Proceedings on January 5, 1993. Southern Bell Telephone and Telegraph Company filed its Response and Opposition to Motion by the Attorney General and Public Counsel for Order Clarifying the Scope and Purpose of These Proceedings on January 19, 1993. Commissioner Clark, as Prehearing Officer, heard arguments by the parties on these motions at the Prehearing Conference held January 29, 1993.

The Motion for Clarification lists five matters the Attorney General and Citizens request that the Commission clarify. At oral argument on the motion, the request for clarification was narrowed to the matters covered in paragraphs (b) and (d) of the motion. Further, counsel for the movants agreed that the thrust of the motion was a request that the Commission state the impact, if any, the Commission's findings would have on Davis v. Southern Bell, Civ. No. 89-2839 (S.D. Fla.), the antitrust case pending in federal district in Miami. Such a statement would be both premature and outside this Commission's jurisdiction.

DOCUMENT NUMBER-DATE

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The Commission's jurisdiction to act in this case, or any case before it, is a function of its legislative grant of authority. In this case, the scope of our jurisdiction is defined by the legislative grant of authority found principally in Chapters 350 and 364, Florida Statutes, and in the case law interpreting those chapters. The legal conclusions the Commission may reach and the remedies the Commission may effect must be grounded in that authority. However, the Commission is without authority to dictate what impact, if any, its decisions will have on proceedings pending in other forums or jurisdictions, such as the antitrust case in Miami. The impact the Commission's actions may have on the pending federal case is a matter to be argued before, and decided by, the judge in that case.

Moreover, at this point the Commission has not heard testimony or taken evidence on the issue the movants believe may impact the Davis proceeding. It would therefore be premature, and pure speculation, to make any statement as to the findings the Commission may make and the impact, if any, those findings might have on the Davis case.

For these reasons, the request for clarification is denied.

Therefore, based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Motion by the Attorney General and the Citizens For Order Clarifying the Scope and Purpose of These Proceedings is hereby denied.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 12th day of February, 1993.


SUSAN F. CLARK, Commissioner
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

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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.