

MEMORANDUM

November 17, 1993

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FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (MURPHY) *cm*
RE: DOCKET NO. 921074-TP

TL

1680-PCO

Attached is an Order Regarding Post Hearing Briefs, to be issued in the above-referenced docket. (Number of pages in Order - 2)

CWM
Attachment
cc: Division of Communications
I:921074.cwm

MUST GO TODAY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Intermedia) DOCKET NO. 921074-TP
Communications of Florida, Inc.) ORDER NO. PSC-93-1680-PCO-TP
for expanded interconnection for) ISSUED: November 22, 1993
alternate access vendors within)
local exchange company central)
offices)

ORDER REGARDING POST HEARING BRIEFS

As one of the issues in phase I of this proceeding, we have been asked to determine whether a physical collocation mandate raises federal or state constitutional questions regarding the taking or confiscation of local exchange company property. The issue was addressed by the parties in post hearing briefs; however, in some instances, the parties did not anticipate one another's arguments and we are left with an incomplete view of the matter. In this regard, response briefs would be helpful. Thus, I invite any party who wishes to respond to arguments raised by another party concerning the "taking" issue to do so within 21 days of the issuance of this Order. Response briefs shall be limited to the aforementioned issue.

Therefore, it is

ORDERED by Commissioner Julia L. Johnson as Prehearing Officer that parties who wish to file response briefs regarding the taking issue shall do so within 21 days as set forth in the body of this Order.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 22nd day of November, 1993.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

(S E A L)

CWM

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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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 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.