

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Florida Interexchange Carriers Association, MCI Telecommunications Corporation, and AT&T Communications of the Southern States, Inc. against BellSouth Telecommunications, Inc. ) DOCKET NO. 960658-TP  
In Re: Investigation into intraLATA presubscription. ) DOCKET NO. 930330-TP  
ORDER NO. PSC-96-1162-FOF-TP  
ISSUED: September 17, 1996

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER GRANTING MOTION TO CONSOLIDATE

BY THE COMMISSION:

On May 24, 1996, the Florida Interexchange Carriers Association (FIXCA), MCI Telecommunications Corporation (MCI) and AT&T Communications of the Southern States, Inc. (AT&T) filed a Joint Complaint against BellSouth Telecommunications, Inc. (BellSouth). The Complaint was assigned docket number 960658-TP. On June 13, 1996, BellSouth filed an Answer to the Joint Complaint and a Motion to Dismiss portions of the Complaint involving BellSouth's policy on Preferred Interexchange Carrier (PIC) change charges. BellSouth's current PIC change charge policy was approved by Order No. PSC-96-0692-FOF-TP in Docket No. 930330-TP. In its Motion to Dismiss, BellSouth argued that the Complainants should file a protest to Order No. PSC-96-0692-FOF-TP and that objections to the PIC change charge tariff revisions are not a proper subject of the Complaint.

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Subsequently, on June 11, 1996, the Complainants filed a protest to Order No. PSC-96-0692-FOF-TP and requested a hearing. They also filed a Motion to Consolidate Proceedings stating that the tariff items challenged in Docket No. 930330-TP are the same tariff items that are the subject of the Joint Complaint in Docket No. 960658-TP. The Complainants asserted that since the same tariff is the subject of both dockets and the same parties will be involved in developing the same issues with the same proof, consolidation will conserve time and resources. BellSouth did not file an objection to the Motion to Consolidate.

Upon consideration, we will grant the Complainants' Motion to Consolidate. Dockets 960658-TP and 930330-TP will be combined for purposes of conducting an evidentiary hearing.

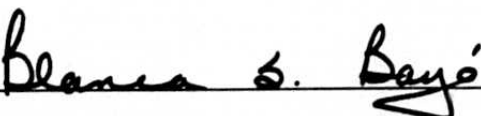
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Motion to Consolidate filed by the Florida Interexchange Carriers Association, MCI Telecommunications Corporation and AT&T Communications of the Southern States, Inc. is granted. It is further

ORDERED that Dockets 960658-TP and 930330-TP are combined for purposes of conducting an evidentiary hearing. It is further

ORDERED that these dockets shall remain open pending the outcome of the evidentiary hearing.

By ORDER of the Florida Public Service Commission, this 17th day of September, 1996.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

NSR/MMB

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 25-22.0376, 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.