

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into) DOCKET NO. 950737-TP
temporary local telephone number) ORDER NO. PSC-96-1377-PHO-TP
portability solution to) ISSUED: November 19, 1996
implement competition in local)
exchange markets.)
_____)

Pursuant to Notice, a Prehearing Conference was held on November 14, 1996, in Tallahassee, Florida, before Chairman Susan F. Clark, as Prehearing Officer.

APPEARANCES:

Mark Logan, Esquire, Bryant, Miller & Olive, 201 South Monroe Street, Suite 500, Tallahassee, Florida 32301; Robin Dunson, Esquire, 1200 Peachtree Street, Promenade I, Room 4038, Atlanta, Georgia 30309; Mike Tye, Esquire, 101 North Monroe Street, Suite 500 32301
On behalf of AT&T Communications of the Southern States, Inc.

Norman H. Horton, Esquire; Floyd Self, Esquire, Messer, Caparello, Madsen, Goldman & Metz, P.A., 215 South Monroe Street, Tallahassee, Florida 32302
On behalf of AT&T Wireless Services of Florida, Inc.

Patrick K. Wiggins, Esquire, Wiggins & Villacorta, P.A. P.O. Box 1657, Tallahassee, Florida 32302
On behalf of BellSouth Mobility Inc. and Intermedia Communications Inc.

Nancy B. White, Esquire; Thomas B. Alexander, Esquire, 675 West Peachtree Street, Suite 4300, Atlanta, Georgia 30375
On behalf of BellSouth Telecommunications, Inc.

Laura L. Wilson, Esquire, 310 North Monroe Street, Tallahassee, Florida 32301
On behalf of Florida Cable Telecommunications Association, Inc.

Kimberly Caswell, Esquire, One Tampa City Center, P.O. Box 110, FLTC0007, Tampa, Florida 33601
On behalf of GTE Florida.

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-96-1377-PHO-TP
DOCKET NO. 950737-TP
PAGE 2

Martha McMillin, Esquire, 780 Johnson Ferry Road, Suite 700, Atlanta, Georgia 30342; Richard D. Melson, Esquire, Hopping, Green, Sams & Smith, 123 South Calhoun Street, Tallahassee, Florida 32314
On behalf of MCI Telecommunications Corporation and MCImetro Access Transmission Services.

Pamela S. Arluk, Esquire, Swidler & Berlin, Chartered, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007
On behalf of MFS Communications Company, Inc.

Sue Weiske, Esquire, 160 Inverness Drive West, Englewood, Colorado 80112
On behalf of Time Warner AxS of Florida, L.P.'s d/b/a Time Warner Communications and Digital Media Partners.

J. Jeffry Wahlen, Esquire; John P. Fons, Ausley & McMullen, 227 South Calhoun Street, Tallahassee, Florida 32302
On behalf of United Telephone Company of Florida and Central Telephone Company of Florida (Sprint).

Monica M. Barone, Esquire; William Cox, Esquire, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Commission Staff.

PREHEARING ORDER

I. CASE BACKGROUND

By Order No. PSC-95-1604-FOF-TP, issued on December 28, 1995, the Commission established Remote Call Forwarding (RCF) as the temporary number portability mechanism to be provided by January 1, 1996. The Order established the price to be charged and the cost recovery mechanism to be used for RCF. Subsequently on July 2, 1996, the Federal Communications Commission (FCC) released its First Report and Order and Further Notice of Proposed Rulemaking in The Matter of Telephone Number Portability. The FCC Order discusses cost recovery for temporary number portability. This proceeding was initiated to review the impact of the FCC's Order on the cost recovery mechanism set forth in Order No. PSC-95-1604-FOF-TP.

II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183(2), Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- 2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not

subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.

- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of Records and Reporting confidential files.

Post-hearing procedures

Rule 25-22.056(3), Florida Administrative Code, requires each party to file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. The rule also provides that if a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 60 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.

III. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties (and Staff) has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

IV. ORDER OF WITNESSES

<u>WITNESS</u>	<u>APPEARING FOR</u>	<u>ISSUES</u>
<u>Direct Testimony/Rebuttal*</u>		
Mike Guedel*	AT&T	All
John Giannella	AT&T Wireless	All
Alphonso J. Varner*	BellSouth	All
Beverly Y. Menard	GTEFL	All
Elizabeth G. Kistner*	MCI/MCImetro	All
Alex J. Harris*	MFS	All
F. Ben Poag*	Sprint	All
Paul R. McDaniel*	Time Warner	D-1, 2 R-1, 2, 3
Joseph P. Cresse	FCTA	All

V. BASIC POSITIONS:

AT&T:

The cost recovery method adopted by the Florida Public Service Commission with respect to interim local number portability is not consistent with the Telecommunications Act of 1996 and the FCC's First Report and Order and Further Notice of Rulemaking, released July 2, 1996 ("FCC Order") in CC Docket No. 95-116. The Commission should adopt a mechanism which requires each carrier to pay for its own costs of providing interim local number portability. In other words, the service should be provided as requested (of either the incumbent or the new entrant) at no charge.

AT&T WIRELESS:

To bring the Florida PSC's interim number portability cost recovery mechanism into compliance with the FCC's First Report and Order in CC Docket No. 96-116, this Commission should require each carrier to recover its own costs. However, regardless of the cost recovery methodology ultimately approved, wireless carriers that do not use interim number portability should not participate in any interim cost recovery mechanism since they will not be porting numbers.

BMI:

Number portability among local exchange carriers remains an important precondition for competition. The Stipulation approved by the Commission on September 12, 1995, appropriately indicated that prices for remote call forwarding should be cost based and uniform for each LEC on a per-line per-month basis, with the ALEC price to mirror the LEC price. The Commission should uphold existing negotiated agreements regarding cost recovery for interim number portability.

BST:

BellSouth believes that the Federal Communications Commission's (FCC's) authority to address cost recovery only applies to permanent number portability as defined in Section 251(e) (2) of the Act, and not to interim number portability. Thus, any attempt by the FCC to address cost recovery for interim number portability, in BellSouth's opinion, is unlawful. Additionally, BellSouth believes that the FCC's guidelines for establishing cost recovery for interim number portability (i.e. that the incremental payment made by a new

entrant for winning a customer would have to be "close to zero") would require the incumbent Local Exchange Carrier (LEC) to price interim number portability at confiscatory levels in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States and of Florida.

BellSouth, along with other incumbent LEC's, Alternative LEC's, and the Florida PSC have participated in earlier proceedings in this Docket that have established a pricing structure for interim number portability in Florida. This structure is based on the premise that the cost of interim number portability should be recovered from the companies who make use of these arrangements. BellSouth believes that the price of such services should be based on the cost of providing the network elements and include a reasonable profit. Further, Section 364.16(4), Florida Statutes, requires that the rates for temporary number portability shall not be set below cost. It is BellSouth's position that the FPSC's Order No. PSC-95-1604-FOF-TP should be maintained until such time as the solution for permanent number portability can be implemented. For the reasons stated above, BellSouth believes that the FPSC should leave in place Order No. PSC-95-1604-FOF-TP even though it appears to be inconsistent with the FCC's First Report and Order in CC Docket No. 95-116 issued July 2, 1996.

As an alternative, BellSouth proposes that each LEC be required to track and record their costs of providing interim number portability until such time as the recovery mechanism for long-term number portability becomes effective. Under this alternative approach, the costs incurred by each company providing interim number portability, including appropriate interest, will be recovered using the same long-term number portability cost recovery mechanism ultimately approved by the FCC.

It is also BellSouth's position that, if the FPSC were to make changes to the rates established in Order No. PSC-95-1604-FOF-TP, that the FPSC should not retroactively apply the FCC's decision to this proceeding. BellSouth believes that if such actions were taken by the FPSC, they could be in violation of the retroactive ratemaking principles covered in the Florida Statutes (Section 366.06(2), Florida Statutes).

FCTA:

The appropriate cost recovery mechanism for temporary number portability is a "Bill and Keep" approach. It should be

remembered that Remote Call Forwarding (RCF) is a technically inferior temporary solution. The temporary nature of RCF is highlighted by the FCC's implementation time line for the permanent number portability solution in Florida. Pursuant to that time line, the seven largest Metropolitan Statistical Areas in Florida will be upgraded for the permanent solution over the next twenty-six months (the order was not stayed pending further disposition).

The temporary nature of the RCF solution weighs in favor of a Bill and Keep approach where local providers do not monetarily compensate each other for the service. The LECs already provide Remote Call Forwarding service to end users today. The incremental cost of providing the same Remote Call Forwarding service as a temporary number portability solution is likely to be very small. The incremental costs of doing so are probably much less than the billing and collection costs local providers will incur if they are forced to monetarily compensate each other over. An incremental cost standard, rather than a long run incremental cost standard, is appropriate because RCF is a technically inferior short term solution. The Bill and Keep approach is also fair because all local providers will benefit equally if their customers are able retain their phone numbers. This approach will provide an additional incentive for local providers to cooperate in the many details of implementing a timely permanent number portability solution in Florida. The changes adopted by the Commission should be applied prospectively.

GTEFL:

The FCC's guidelines regarding interim number portability were not intended to preempt state tariffs. This is the case in Florida, where the Commission has ruled that interim number portability will be provided by means of remote call forwarding (RCF), and has set specific rates for this feature. GTEFL believes this Commission has complied with the FCC's Order and there is no need for adjustment of the cost recovery mechanism or other aspects of this Commission's Order. Allowing companies--both incumbent local exchange carriers (ILECs) and alternative local exchange carriers (ALECs) to charge each other tariffed rates is wholly consistent with the FCC's concept of competitive neutrality in cost recovery.

If, however, the Commission believes the FCC Order is inconsistent with the cost recovery mandated here, GTEFL recommends an explicit pooling mechanism. This proposal correctly recognizes that all costs of number portability

ultimately pass to the consumer. In any event, the Commission must avoid any resolution that places any provider--including the ILEC--at a competitive disadvantage.

There should be no retroactive application of the Commission's decision in this proceeding. If, contrary to GTEFL's view, the Commission believes any changes are required, they should be imposed only on a going-forward basis.

INTERMEDIA:

The Commission should take no action that will negate existing negotiated agreements regarding cost recovery for interim number portability.

MCI:

The PSC should determine that its previous LNP Order is inconsistent with the FCC Order, in that it established rates for Remote Call Forwarding ("RCF") that are not competitively neutral according to the FCC's cost recovery criteria. The PSC should determine that the costs of number portability should be borne by each carrier providing portability consistent with the competitively neutral requirements of the Telecommunications Act of 1996 and the FCC Order. The PSC should require retroactive application of its order in this proceeding back to the date of the FCC Order and require refunds to ALECs as appropriate. Last, the PSC should require all LECs and ALECs to adopt appropriate meet-point billing arrangements for access charges paid by interexchange carriers terminating calls via INLP measures.

MFS:

MFS, like most of the other parties, believes that each carrier should absorb their own costs of providing portability. If, however, the Commission decides to adopt an alternate mechanism for the recovery of portability costs recovery, it should adopt MFS's "net revenue" approach.

SPRINT:

The Commission should revise its interim number portability pricing policy and adopt a per ported number charge based on a rate which is approximately 50% of the cost of Remote Call Forwarding. This results in an approximately equal sharing of the cost of interim number portability by the ILEC and the CLEC, and is consistent with the Federal Order.

ORDER NO. PSC-96-1377-PHO-TP
DOCKET NO. 950737-TP
PAGE 10

TIMEWARNER:

Time Warner's original position regarding the importance of service provider number portability for the development of local competition has not changed. This Commission in its Order No. PSC-95-1604-FOF-TP recognized the critical nature of this function. What has changed is the passage of the Federal Telecommunications Act of 1996 ("Act"), and the Federal Communications Commission's issuance of its July 2, 1996 Order. The Commission should revise the cost recovery mechanism to incorporate the sharing concept embodied in those mandates.

STAFF:

None.

VI. ISSUES AND POSITIONS

ISSUE 1:

Is Order No. PSC-95-1604-FOF-TP inconsistent with the Federal Communications Commission's First Report and Order and Further Notice of Proposed Rulemaking in the Matter of Telephone Number Portability in CC Docket No. 95-116?

POSITIONS

AT&T:

Yes. The FCC concluded that an appropriate charge should be "competitively neutral."

AT&T WIRELESS:

Yes.

BST MOBILITY:

Although the Commission's order appears to be inconsistent with the FCC's Report and Order, BMI continues to support the stipulation signed by parties and approved by the Commission in this docket.

BST:

Although the pricing structure established by the FPSC in Order No. PSC-95-1604-FOF-TP appears to be inconsistent with the FCC's First Report and Order in CC Docket No. 95-116, BellSouth disagrees with the FCC's First Report and Order pertaining to cost recovery for interim number portability. BellSouth believes that the FCC's First Report and Order's cost recovery provisions for interim number portability are unlawful and confiscatory. BellSouth continues to support the stipulation signed by parties and approved by the FPSC in this docket. BellSouth believes that the FPSC's Order No. PSC-95-1605-FOF-TP established the appropriate cost recovery mechanism for temporary local telephone number portability in Florida.

FCTA:

Yes.

GTEFL:

No. Even though the FCC sought to articulate "general criteria" for number portability cost recovery, it explicitly stated that states were free to require carriers to file tariffs for the provision of currently available number portability measures. This Commission has done so; there is no reason to disturb its decision, entered after a full evidentiary hearing.

INTERMEDIA:

Although the Commission's order appears to be inconsistent with the FCC's Report and Order, Intermedia continues to support the stipulation signed by parties and approved by the Commission in this docket.

MCI:

Yes. The PSC's LNP Order identified costs associated with providing Remote Call Forwarding ("RCF") and established rates and a cost recovery mechanism. These rates were to be charged to ALECs by BellSouth, GTE Florida ("GTEFL"), and Sprint, for each ALEC number ported from the incumbent LEC via RCF. This approach is inconsistent with the FCC's Order, which requires that ILNP costs be recovered on a competitively neutral basis.

MFS:

Yes. The FCC ruled that any cost recovery mechanism that requires new entrants to bear all of the costs of portability does not comply with the 1996 Act. As such, the tariffed charges currently imposed in Florida by incumbent LEC's on purchasers of portability are inconsistent with the Act and must be suspended immediately.

TIMEWARNER:

Yes. The Federal Communications Commission's (FCC's) First Report and Order and Further Notice of Proposed Rulemaking in the Matter of Telephone Number Portability in cc Docket No. 95-116 ("Order") requires that the costs of temporary or interim number portability ("INP") be shared among all telecommunications providers. The Florida Public Service Commission Order places all costs on new entrants.

SPRINT:

Yes. The portion of the Florida Order which places the full cost recovery of interim number portability on the new entrant appears to be inconsistent with the Federal Order.

STAFF:

No position at this time.

ISSUE 2:

What is the appropriate cost recovery mechanism for temporary number portability?

POSITIONS

AT&T:

The Commission should adopt a mechanism which requires each carrier to pay for its own costs of providing interim local number portability. In other words, the service should be provided as requested (of either the incumbent or the new entrant) at no charge.

AT&T WIRELESS:

Each carrier should pay its own costs. However, regardless of the cost recovery methodology ultimately approved, wireless carriers that do not use interim number portability should not participate in any interim cost recovery mechanism. Nonparticipating carriers should be excluded from any cost recovery mechanism because they are not involved in porting numbers.

BST MOBILITY:

BMI continues to believe that LEC prices for remote call forwarding should be cost-based. The Commission should uphold existing negotiated agreements regarding cost recovery for interim number portability. BMI has no position on the appropriate cost recovery mechanism in the absence of such agreements.

BST:

BellSouth, along with other incumbent LECs, alternate LECs, and the FPSC have already participated in proceedings that have established a pricing structure for interim number portability in Florida. This structure is based on the premise that the cost of interim number portability should be recovered from the companies who make use of these arrangements. BellSouth believes that the price of such services should be based on the cost of providing the network elements and include a reasonable profit. The FPSC's Order No. PSC-95-1604-FOF-TP should be maintained until such time as the solution for permanent number portability can be implemented. This is consistent with Chapter 364.16(4), Florida Statutes, which requires that the rates for temporary number portability shall not be set below cost. In the alternative only, BellSouth believes that each carrier should be required to track and record their costs of providing interim number portability until the recovery mechanism for long-term number portability becomes effective. The costs incurred by each company providing interim number portability, including appropriate interest, will then be recovered using the same long-term number portability cost recovery mechanism approved by the FCC.

FCTA:

The Commission should adopt a "Bill and Keep" approach.

GTEFL:

This Commission's mandated cost recovery mechanism, in the form of specific rates to be charged for number portability, is the fairest and most appropriate cost recovery mechanism. However, should the Commission conclude--contrary to GTEFL's view--that the FCC Order requires modification of this Commission's duly entered Order, GTEFL suggests this Commission implement a pooling mechanism to recover portability costs. This approach will correctly recognize that all costs of number portability are ultimately passed on to the consumer. In no event should the Commission adopt a recovery mechanism that would put any carrier--including the ILEC--at a competitive disadvantage.

INTERMEDIA:

Intermedia continues to believe that LEC prices for remote call forwarding should be cost-based. The Commission should uphold existing negotiated agreements regarding cost recovery for interim number portability. Intermedia has no position on the appropriate cost recovery mechanism in the absence of such agreements.

MCI:

The simplest and most direct of the cost recovery mechanisms which meet the FCC criteria is one in which each local carrier would pay for its own costs of currently available number portability measures. This method is superior in that it does not require special reporting between carriers of revenues, minutes of use, number of customer telephone numbers, etc. In addition, it does not require carriers to produce, or the PSC to review, cost studies to determine the appropriate incremental costs for recovery. This is especially important because interim portability measures will soon be replaced by permanent number portability.

MFS:

MFS, like most of the other parties, believes that each carrier should absorb their own costs of providing portability. This approach not only fully complies with the "competitive neutrality" requirement of the Telecommunications Act of 1996 and the Portability Order, but is by far the easiest method to administer and most efficient and cost-effective alternative.

If, however, the Commission decides to adopt an alternate mechanism for the recovery of portability costs recovery, it should adopt MFS' "net revenue" approach, which is the only proposed alternate approach consistent with the 1996 Act.

TIMEWARNER:

The appropriate cost recovery mechanism is to have each local exchange carrier pay their own routing costs, or, in the alternative, to have INP costs recovered based on the percentage of working telephone numbers each local service provider has.

SPRINT:

Sprint proposes a per ported number charge based on a price which is approximately 50% of the cost of providing RCF as a temporary number portability solution.

STAFF:

No position at this time.

ISSUE 3:

Should there be any retroactive application of the Commission's decision in this proceeding, if so what should be the effective date?

POSITIONS

AT&T:

No.

AT&T WIRELESS:

No position at this time.

BST MOBILITY:

There should be no retroactive application of any decision in this proceeding. Whatever the effective date of the Commission's order may be, it should not operate to undermine existing agreements previously approved by the Commission.

BST:

No. There should not be any retroactive application of any decision in this proceeding. If such actions were taken by the FPSC they could be in violation of the retroactive ratemaking principles covered in the Florida Statutes. (Section 366.06(2), Florida Statutes).

FCTA:

No.

GTEFL:

No, there should be no retroactive application of any decision in this docket. GTEFL does not believe that any changes to its order, issued after a full evidentiary hearing, are necessary. However, if the Commission determines otherwise, any modifications should not be retroactive. There is no reason to retroactively modify lawfully entered tariffed rates.

INTERMEDIA:

Intermedia's Position: There should be no retroactive application of any decision in this proceeding. Whatever the effective date of the Commission's order may be, it should not operate to undermine existing agreements previously approved by the Commission.

MCI:

Yes. The PSC's decision in this case should be retroactively applied to the release date of the FCC Order - July 2, 1996. LECs should pay full refunds to ALECs of all amounts collected for RCF between that date and the date of the PSC's order in this proceeding. Depending on the cost recovery method chosen, the cost of the RCF provided during that period can be reallocated accordingly.

MFS:

MFS believes that under the Portability Order and the Telecommunications Act it is permissible for the Commission to apply its decision retroactively. Of course, the Commission will need to resolve the effect of such action under Florida law.

TIMEWARNER:

Since the Florida Commission is taking action in this case as a result of the FCC's Order , which was issued on July 2, 1996, an appropriate effective date could be date of the FCC Order. However, if the Commission is concerned about retroactive ratemaking, the date of the final order after this hearing is a reasonable effective date.

SPRINT:

No. The Federal Order does not take effect until 45 days after published in the Federal Register. Since there has not been a significant amount of ported number activity, retroactive application would likely cost as much or more to implement than has been spent on ported numbers.

STAFF:

No position at this time.

VII. EXHIBIT LIST

<u>WITNESS</u>	<u>PROFFERED BY:</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
Alphonso J. Varner	BellSouth	_____	Petition for
		(AJV-1)	Reconsideration or Clarification
		_____	Reply Comments
		(AJV-2)	
F. Ben Poag	SPRINT-UNITED/ CENTEL	_____	Interim Number
		(FBP-1)	Portability Cost-Rate Development
Joseph P. Cresse	FCTA	_____	Excerpt from
		(JPC-1)	FCC's First Report and Order in The Matter of Telephone Number Portability in CC Docket 95-116

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

VIII. PROPOSED STIPULATIONS

None.

IX. PENDING MOTIONS

None.

X. RULINGS

MFS Communications Company, Inc.'s Motion for Extension of Time to file Rebuttal Testimony of Alex J. Harris and MFS' Prehearing Statement is granted.

It is, therefore,

ORDERED by Chairman Susan F. Clark, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this 19th day of November, 1996.

Susan F. Clark, Chairman
and Prehearing Officer

(S E A L)

MMB

VIII. PROPOSED STIPULATIONS

None.

IX. PENDING MOTIONS

None.


X. RULINGS

MFS Communications Company, Inc.'s Motion for Extension of Time to file Rebuttal Testimony of Alex J. Harris and MFS' Prehearing Statement is granted.

It is, therefore,

ORDERED by Chairman Susan F. Clark, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this 19th day of November, 1996.



Susan F. Clark, Chairman
and Prehearing Officer

(S E A L)

MMB

ORDER NO. PSC-96-1377-PHO-TP
DOCKET NO. 950737-TP
PAGE 19

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.

MEMORANDUM

NOVEMBER 18, 1996

RECEIVED

NOV 18 1996

9:35

FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BARONE) *MCB*

RE: DOCKET NO. 950737-TP - INVESTIGATION INTO TEMPORARY LOCAL TELEPHONE NUMBER PORTABILITY SOLUTION TO IMPLEMENT COMPETITION IN LOCAL EXCHANGE TELEPHONE MARKETS.

1377-PHD

Attached is a PREHEARING ORDER, to be issued in the above-referenced docket. (Number of pages in Order - 19)

MMB/anr
Attachment
cc: Division of Communications
I: 950737PO.MMB

*1 BRYANT
faxed 23/10
MMB*

MUST GO TODAY

Requisition for Photocopying and Mailing

Date 11, 20, 96
Number of Originals 19 Copies Per Original 19
Requested By Ruth (M)

Item Presented
Agenda For (Date) _____ Order No. 96-1377 In Docket No. 950737
Notice of _____ For (Date) _____ In Docket No. _____
Other _____

Special Handling Instructions

Distribution/Mailing			
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	<u>--</u>	_____
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	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 135 Verified By W.S.
Date and Time Completed 11-21 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed _____ Verified By _____