

Matilda Sanders

From: Martha Johnson [marthaj@fcta.com]
Sent: Wednesday, September 06, 2006 5:54 PM
To: Filings@psc.state.fl.us
Cc: Jason Fudge; David Christian; Sally Simmons; Patrick Wiggins; De O'Roark; Michael Gross
Subject: Docket No. 060292-TL FCTA's Motion to Hold Docket in Abeyance
Attachments: FCTA's Motion to Hold Docket in Abeyance.pdf

A. The person responsible for this electronic filing is:

Michael A. Gross
 Vice President, Regulatory Affairs and Regulatory Counsel
 Florida Cable Telecommunications Association
 246 E. 6th Avenue
 Tallahassee, FL 32303
 850/681-1990
 850/681-9676 (fax)
mgross@fcta.com

B. The docket number and title are: **In Re: Docket No. 060292 - Review of tariff filing (T-060052) by Verizon Florida, Inc. to establish permanent promotional offering.**

C. This document is filed on behalf of the Florida Cable Telecommunications Association, Inc.

D. The Cover Letter and Motion are a total of 5 pages.

E. Attached for filing is the Florida Cable Telecommunications Association, Inc.'s Cover Letter and Motion to Hold Docket in Abeyance Pending Its Motion to Raise Additional Issues.

Thank you,

Martha Johnson
 Regulatory Assistant
 Florida Cable Telecommunications Association
 246 E. 6th Avenue
 Tallahassee, FL 32303

OMP 850/681-1990
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FPSC-COMMISSION CLERK

ORIGINAL

VIA ELECTRONIC DELIVERY

September 6, 2006

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk
And Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket No. 060292 - FCTA's Motion to Hold Docket in Abeyance
Dear Ms. Bayo:

Attached for filing is the Florida Cable Telecommunications Association, Inc.'s Motion to Hold Docket in Abeyance Pending Its Motion to Raise Additional Issues.

Copies have been served upon the parties of record by electronic and U.S. Mail delivery.

Thank you for your assistance in this matter. Please contact me with any questions.

Sincerely,

s/ Michael A. Gross

Michael A. Gross
Vice President, Regulatory Affairs &
Regulatory Counsel

Enclosure

cc: All Parties of Record

DOCUMENT NUMBER-DATE

08177 SEP-7 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of tariff filing (T-060052)
by Verizon Florida Inc. to establish
permanent promotional offering.

Docket No. 060292-TL

September 6, 2006

**FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION, INC.'S
MOTION TO HOLD DOCKET IN ABEYANCE PENDING ITS MOTION TO RAISE
ADDITIONAL ISSUES**

The Florida Cable Telecommunications Association, Inc. (FCTA), moves the Prehearing Officer for an Order holding this docket in abeyance pending the filing and resolution of the FCTA's Motion for Inclusion of Additional Issues pursuant to Paragraph III of the Order Establishing Procedure, Order No. PSC-06-0720-PCO-TL, issued August 24, 2006 and states:

1. On January 27, 2006, Verizon filed to establish a permanent promotional tariff offering (T-060052). The Tariff became effective on February 11, 2006, 15 days after the filing date.
2. On May 31, 2006, the FCTA, pursuant to Rule 25-22.029, Florida Administrative Code, filed a petition for a formal proceeding pursuant to Section 120.57(1), Florida Statutes, seeking review of Proposed Agency Action Order (No. PSC-06-0390-PAA-TL) Allowing Tariff to Remain in Effect, issued on May 10, 2006, and for suspension and cancellation of the permanent promotional tariff filed by Verizon Florida Inc. (Verizon).
3. On August 9, 2006, the parties attended an Issue Identification Meeting to discuss the issues raised by the protest.
4. Several issues proposed by the FCTA were unilaterally excluded by the Staff and consequently are not included in the issues list in Attachment A to the Order Establishing Procedure.

5. FCTA's sole knowledge as to Staff's reasoning in support of its exclusion of issues proposed by the FCTA and properly alleged in its petition is based on upon Staff's oral contention that the FCTA lacks standing to raise the subject issues.

6. Neither Verizon nor Staff has timely and properly raised any objection or challenge to the FCTA's standing on issues raised in the FCTA's petition for formal proceeding.

7. The FCTA intends to file a motion in accordance with Paragraph III of the Order Establishing Procedures raising additional issues and showing that the FCTA has proper standing to raise such additional issues.

8. The FCTA will further show that the manner in which Staff unilaterally excluded the subject issues is procedurally defective and improper.

9. According to the Order Establishing Procedure, direct testimony and exhibits are due to be filed on September 8, 2006. The Order Establishing Procedure also sets forth all controlling dates, including dates for filing rebuttal testimony, prehearing statements, prehearing conference, discovery deadline, hearing, and briefs.

10. It would be contrary to the interests of judicial economy to proceed with the filing of testimony and engaging in discovery based on the issues tentatively listed in that all testimony and discovery would have to be redone on a significant basis if any issues are added to the issues list based upon the FCTA's proposed motion to include additional issues.

11. It would, in fact, be in the interest of judicial economy to hold this docket in abeyance until the FCTA's proposed motion for inclusion of additional issues is resolved.

12. The undersigned counsel for the FCTA has consulted with legal Staff and Counsel for Verizon and has been authorized to represent that neither of those parties oppose holding this docket in abeyance as requested by the present motion.

WHEREFORE, the FCTA respectfully requests that the Prehearing Officer enter an

Order holding this docket in abeyance and suspending the current controlling dates until resolution of the FCTA's proposed motion requesting inclusion of additional issues.

Respectfully submitted this 6th day of September, 2006.

s/ Michael A. Gross

Michael A. Gross
Vice President, Regulatory Affairs
& Regulatory Counsel
Florida Cable Telecommunications Association
246 E. 6th Avenue
Tallahassee, FL 32303
Tel: 850/681-1990
Fax: 850/681-9676

CERTIFICATE OF SERVICE

HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Abeyance has been served upon the following parties electronically and by U.S. Mail this 6th day of September 2006.

Patrick Wiggins, Staff Counsel
Jason Fudge, Staff Counsel
Division of Legal Service
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399

Sally Simmons
Division of Competitive Markets &
Enforcement
Florida Public Service Commission
2540 Shumard Oak Blvd
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Verizon Florida Inc.
Dulaney L. O'Roark III
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Phone: 770-284-5498
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Verizon Florida, Inc.
Mr. David Christian
106 East College Avenue
Tallahassee, FL 32301-7748

s/Michael A. Gross

Michael A. Gross