

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: REVIEW OF REQUIREMENTS)	DOCKET NO. 871394-TP
APPROPRIATE FOR ALTERNATIVE OPERATOR)	ORDER NO. 20553
SERVICES AND PUBLIC TELEPHONES)	ISSUED: 1-5-89

ORDER GRANTING EXTENSION OF TIME

Order No. 20489, issued on December 21, 1988, was the Final Order in the above-referenced docket. That order directed the parties to take certain action as a result of the Commission's findings. Additionally, Order No. 20489 provided that any party adversely affected by the Commission's final action could request reconsideration of the Commission's decision by filing a notice for reconsideration within fifteen (15) days of the issuance of the order in the form prescribed by Rule 25-22.060, Florida Administrative Code. Accordingly, Motions for Reconsideration, if any, are due on or before January 5, 1989.

On December 29, 1988, International Telecharge, Inc. (ITI) filed a Motion for Extension of time to File Motion for Reconsideration. National Telephone Services (NTS) filed a substantially similar request. ITI and NTS request that the Commission extend the time for filing of motions for reconsideration from January 5, 1989, through and including January 19, 1989. In support of their motions, the parties state as follows:

1. The final order in this proceeding originally was due on December 7, 1988; thus, motions for reconsideration of the final order, if any, would have been due on December 22, 1988, prior to the Christmas and New Year holidays.
2. The final order, however, was not issued at the originally scheduled time. The order was delayed until December 21, 1988 and was not made available until December 22, 1988. Because of this delay, all parties now must review and analyze the final order and, if deemed necessary, file motions for reconsideration of such order by January 5, 1989.
3. Counsel and technical staff for ITI had intended to perform extensive analysis of the final order prior to the Christmas and New Year holidays but were unable to do so on account of the delay in the issuance of the final order.
4. Because two major holidays will occur between the issuance of the final order and the January 5 deadline, ITI (and most likely all other affected parties) simply will have very limited time to analyze the final order to determine whether a motion for reconsideration is warranted in this proceeding.
5. The undersigned has contacted all of the parties in this proceeding and has been authorized to represent that those parties do not oppose this motion provided that the extension of time for filing motions for reconsideration applies to all parties.

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A delay in the issuance of an order is not adequate grounds for an extension of time to file a request for reconsideration since the time for filing reconsideration does not begin to run until the issuance of the order. However, because the time for preparing motions for reconsideration occurred over the Christmas holidays, thereby creating unusual time constraints, the request for extension of time is appropriate and is hereby granted. This extension of time will necessarily toll the time for filing notices of appeal.

Therefore, based on the foregoing, it is

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that the Motions for Extension of Time to File Motions for Reconsideration filed by International Telecharge, Inc. and National Telephone Services are hereby granted. It is further

ORDERED that motions for reconsideration, if any, shall be filed by the close of business on January 19, 1989. It is further

ORDERED that the time for filing notices of appeal is hereby tolled until such delayed motions for reconsideration, if any, are disposed of pursuant to Rule 25-22.060, Florida Administrative Code.

By Order of Commissioner Thomas M. Beard, as Prehearing Officer, this 5th day of JANUARY, 1989.


THOMAS M. BEARD, Commissioner and
Prehearing Officer

(S E A L)

DWS

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

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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 sewer 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.