

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for review of rates	)	DOCKET NO. 860723-TP
and charges paid by PATS providers	)	ORDER NO. 23076
to LECs	)	ISSUED: 6-14-90
	)	

ORDER DENYING MOTIONS TO WITHDRAW FROM DOCKET

On May 15, 1990, Central Telephone Company of Florida (Centel) filed a Request to Withdraw from this docket. As grounds for its Request, Centel has cited "very limited resources." On May 24, 1990, Florida Pay Telephone Association, Inc. (FPTA) filed a Memorandum in Response to Centel's Motion to Withdraw as a Party, detailing FPTA's opposition to Centel's Request to Withdraw.

On May 23, 1990, Florala Telephone Company, Inc. (Florala) filed a Motion to Withdraw as a Party in this docket. As grounds for its request, Florala has stated "that active participation in this docket will be extremely time consuming and expensive and will strain the limited resources of Florala." Identical motions were also filed on May 23, 1990, by Gulf Telephone Company (Gulf), Indiantown Telephone System, Inc. (Indiantown), Northeast Florida Telephone Company, Inc. (Northeast), Quincy Telephone Company (Quincy), St. Joseph Telephone and Telegraph Company (St. Joe), and Southland Telephone Company (Southland). On June 4, 1990, FPTA filed a Consolidated Memorandum in Opposition to these seven requests to withdraw from this docket.

Upon review of the arguments contained in the pleadings outlined above, I find it appropriate to deny all of these requests to withdraw from the docket. Each of these companies possess information that is critical to a proper determination of the issues that will be addressed in this proceeding. See Order on Prehearing Procedure, Order No. 22824, issued April 13, 1990, Appendix "A." Absence of these parties would seriously hinder our efforts to fashion balanced and complete policies and procedures for the pay telephone industry, both local exchange company (LEC) and nonLEC. Participation of all these parties is essential in the upcoming hearing.

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In light of my ruling above, I also find it appropriate to grant the Motion for Extension of Time filed on May 29, 1990, by Florala, Gulf, Indiantown, Northeast, Quincy, St. Joe and Southland. Accordingly, the seven listed LECs shall be granted ten days from the issuance date of this Order to make their objections, if any, to Staff's First Set of Interrogatories to All LECs.

Finally, I wish to make it clear to all the above LECs, as well as to all the other parties in this docket, that this Commission is keenly aware of the financial and workload pressures that many are laboring under. Such things as a short case schedule and simultaneous involvement in multiple dockets take their toll on this Commission and its staff, as well. I believe it is in the best interest of all participants in this docket that every effort be made to resolve discovery questions informally, amongst the parties, in as expeditious a manner as possible. Accordingly, parties who have submitted information requests to these LECs are urged to review them and to get with those LECs in a good faith effort to narrow the requests to information that is necessary to the case and helpful to the Commission in reaching a decision. Such cooperation, I believe, can go a long way toward easing the strain being felt by many of the parties.

Based on the foregoing, it is

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that the Request to Withdraw filed on May 15, 1990, by Central Telephone Company of Florida is denied as set forth in the body of this Order. It is further

ORDERED that the Motions to Withdraw as a Party filed on May 23, 1990, by Florala Telephone Company, Inc., Gulf Telephone Company, Indiantown Telephone System, Inc., Northeast Florida Telephone Company, Inc., Quincy Telephone Company, St. Joseph Telephone and Telegraph Company, and Southland Telephone Company are denied as set forth in the body of this Order. It is further

ORDERED that the Motion for Extension of Time filed on May 29, 1990, by Florala Telephone Company, Inc., Gulf Telephone Company, Indiantown Telephone System, Inc., Northeast Florida Telephone Company, Inc., Quincy Telephone Company, St. Joseph

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Telephone and Telegraph Company, and Southland Telephone Company is granted as set forth in the body of this Order. It is further

ORDERED that this docket shall remain open.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 14th day of JUNE, 1990.

  
THOMAS M. BEARD, Commissioner  
and Prehearing Officer

( S E A L )

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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 from the full Commission within 14

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days pursuant to Rule 25-22.006(3), Florida Administrative Code, for rulings on confidentiality issued by a Prehearing Officer; 2) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, for any rulings on issues other than confidentiality if issued by a Prehearing Officer; 3) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 4) 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.