

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filings by	)	DOCKET NO. 891194-TL
SOUTHERN BELL TELEPHONE AND TELEGRAPH	)	
COMPANY clarifying when a non-published	)	ORDER NO. 24227
number can be disclosed and introducing	)	
Caller ID to TouchStar Service	)	ISSUED: 3/12/91
	)	

Pursuant to Notice, a Prehearing Conference was held on March 1, 1991, in Tallahassee, Florida, before Commissioner Betty Easley, as Prehearing Officer.

## APPEARANCES:

DAVID M. FALGOUST, Esquire, 675 West Peachtree Street, N.E., Suite 4300, Atlanta, Georgia 30375, and E. BARLOW KEENER, Esquire, c/o Marshall M. Criser, III, 150 So. Monroe Street, Suite 400, Tallahassee, Florida 32301, on behalf of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.

KIMBERLY CASWELL, Esquire, GTE Florida Incorporated, Post Office Box 110, MC 7, Tampa, Florida 33601, on behalf of GTE FLORIDA INCORPORATED.

JERRY JOHNS, Esquire, United Telephone Company of Florida, Post Office Box 5000, Altamonte Springs, Florida 32716-5000, on behalf of UNITED TELEPHONE COMPANY OF FLORIDA.

CHARLES J. BECK, Esquire, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on behalf of the CITIZENS OF THE STATE OF FLORIDA.

RICHARD E. DORAN, Esquire, Department of Legal Affairs, The Capitol, Tallahassee, Florida 32399-1050, on behalf of the ATTORNEY GENERAL OF FLORIDA.

STEPHEN S. MATHUES, Esquire, Department of General Services, Office of General Counsel, Knight Building, Suite 309, Koger Executive Center, 2737 Centerview Drive, Tallahassee, Florida 32399-0950, on behalf of the DEPARTMENT OF GENERAL SERVICES.

TRACY HATCH, Esquire, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0863, on behalf of the COMMISSION STAFF.

DOCUMENT NUMBER-DATE

02415 MAR 12 1991

PSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show cause proceeding against )  
SOUTHERN BELL TELEPHONE AND TELEGRAPH )  
COMPANY for misbilling customers )

DOCKET NO. 900960-TL  
ORDER NO. 24226-A  
ISSUED: 3/14/91

AMENDATORY ORDER

By Order No. 24226, Chairman Thomas M. Beard, as Prehearing Officer, denied Southern Bell Telephone and Telegraph Company's request for specified confidential treatment of portions of certain documents. In the portion of the Order delineating parties' opportunities for further Commission review or judicial review, the Order, incorrectly stated:

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 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.

Pursuant to Rule 25-22.038(2), Florida Administrative Code, parties are allowed only 10 days to seek reconsideration of any Order of the Prehearing Officer. The notice provisions of Order No. 24226 should have read:

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, for any rulings 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.

DOCUMENT NUMBER-DATE  
02560 MAR 14 1991  
PSC-RECORDS/REPORTING

ORDER NO. 24226-A  
DOCKET NO. 900960-TL  
PAGE 2

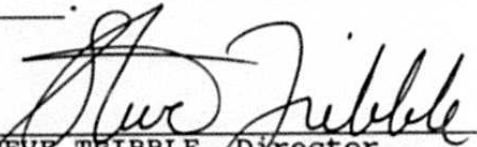
Order No. 24226 is hereby amended accordingly.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. 24226 is hereby amended as set forth in the body of this Order. It is further

ORDERED that Order No. 24226 is reaffirmed in all other respects.

By ORDER of the Florida Public Service Commission, this 14th day of MARCH, 1991.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

TH

ORDER NO. 24227  
DOCKET NO. 891194-TL  
PAGE 2

PRENTICE P. PRUITT, Esquire, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0862, on behalf of the COMMISSIONERS.

PREHEARING ORDER

This prehearing conference was convened on March 1, 1991, as set forth in Order No. 24113, issued February 15, 1991. In that Order, we determined that the Office of Public Counsel (OPC) would be allowed to utilize six identified documents in the upcoming additional limited hearing. Our ruling as to the utilization of a seventh document was left pending.

At the Prehearing Conference of February 1, 1991, the Prehearing Officer directed that all discovery be completed by March 1, 1991, and that OPC and Southern Bell Telephone and Telegraph Company (Southern Bell) work together to limit the number of witnesses that would appear at the additional limited hearing. The Prehearing Conference of March 1, 1991, was set to finalize the procedures for the additional limited hearing.

At this Prehearing Conference, OPC and Southern Bell presented an agreement they had reached which would eliminate the need for the hearing that is presently scheduled for March 11, 1991. OPC has deposed six witnesses concerning the six documents identified in Order No. 24113. Under the agreement between OPC and Southern Bell, the complete transcripts from these six depositions, including exhibits, would be entered into the record of this proceeding in lieu of holding an additional hearing. None of the other parties had any objection to this proposal.

An additional matter that was addressed during the Prehearing Conference was the status of the one document for which ruling was withheld (identified as Document No. 11 in Order No. 24113). OPC withdrew the request to utilize this document. Accordingly, Document No. 11 is hereby withdrawn from the list of documents identified by OPC.

The agreement between OPC and Southern Bell must now go to the full Commission for a decision on whether to accept the agreement. If the Commission approves the agreement, the additional limited hearing would be cancelled and the deposition transcripts would be entered into the record. Parties would then file their

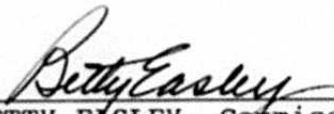
ORDER NO. 24227  
DOCKET NO. 891194-TL  
PAGE 3

supplemental briefs based upon these transcripts. Supplemental briefs would continue to be due on March 25, 1991. The balance of the existing schedule for this docket would remain in effect, as well. Accordingly, this matter shall be taken before the full Commission at the next regular Agenda Conference which is scheduled for March 5, 1991. Should the full Commission reject this agreement, the hearing set for March 11, 1991, would continue as scheduled.

Based on the foregoing, it is

ORDERED by Commissioner Betty Easley, 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 Commissioner Betty Easley, as Prehearing Officer, this 12th day of MARCH, 1991.

  
\_\_\_\_\_  
BETTY EASLEY, Commissioner  
and Prehearing Officer

( S E A L )

ABG

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

ORDER NO. 24227  
DOCKET NO. 891194-TL  
PAGE 4

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 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.