

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of AT&T COMMUNICATIONS	)	DOCKET NO. 870347-TI
OF THE SOUTHERN STATES for Commission	)	
forbearance from 25-4.495(1) and	)	ORDER NO. 24405
25-24.480(1)(b), F.A.C. for a trial	)	
period.	)	ISSUED: 4/22/91
	)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 BETTY EASLEY  
 GERALD L. GUNTER  
 MICHAEL MCK. WILSON

ORDER SETTING FOR HEARING THE PROTESTS  
OF PUBLIC COUNSEL AND US SPRINT TO ORDER NO. 23997

BY THE COMMISSION:

On July 27, 1988, this Commission granted AT&T Communications of the Southern States (ATT-C) forbearance from traditional rate-of-return rate base regulation for a trial period of two years. This decision, outlined in Order No. 19758, issued August 1988, was in response to a petition filed by ATT-C and represented a major shift in the Commission's regulatory policy toward ATT-C.

This Commission evaluated the success of the forbearance experiment in achieving these goals by examining the following criteria: 1. market share; 2. earnings; 3. carrier and service alternatives; 4. quality of service; and 5. the extent of competition. Subsequently, we issued Order No. 23997 on January 16, 1991, extending the forbearance experiment with certain conditions.

On February 5, 1991, the Office of Public Counsel (OPC) timely filed a petition protesting Order No. 23997, issued January 16, 1991. On February 6, 1991, US Sprint (Sprint) also timely filed a petition protesting Order No. 23997. Subsequently, on February 25, 1991, ATT-C filed an answer to OPC's and Sprint's protests. Upon our review of the protests filed by OPC and Sprint, as well as ATT-C's answer, we find that the protests raise numerous disputed issues of fact, law, and policy, and that both OPC and Sprint have demonstrated that their substantial interests are affected by our decision in Order No. 23997. Therefore, we hereby set this matter for hearing.

Based on the foregoing, it is, therefore,

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ORDERED by the Florida Public Service Commission that the protests of Order No. 23997 filed by the Office of Public Counsel and US Sprint are hereby set for hearing as set forth herein.

By ORDER of the Florida Public Service Commission, this 22<sup>nd</sup> day of APRIL, 1991.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

SFS

by: Kay Helgen  
Chief, Bureau of Records

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.