

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Citizens of the State of Florida to investigate SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S cost allocation procedures)	DOCKET NO. 890190-TL
)	ORDER NO. 24482
)	ISSUED: 5/6/91

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING AGREEMENT BETWEEN PARTIES WHICH RENDERS
 MOTION FOR RECONSIDERATION OF ORDER NO. 24255 MOOT

BY THE COMMISSION:

On February 22, 1991, the Office of Public Counsel (OPC) filed a Motion to Require Testimony by Mr. Rick Wright. On March 6, 1991, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed its Motion to Strike the Testimony of Mr. Rick Wright and Response to Public Counsel's Motion. On March 14, 1991, OPC filed its Response and Opposition to Southern Bell's Motion to Strike.

By Order No. 24255, issued March 18, 1991, the Prehearing Officer denied OPC's motion to require Mr. Wright to testify and directed that the proposed pre-filed direct testimony for Mr. Wright be stricken in its entirety. As grounds for this decision, the Prehearing Officer cited the Florida Rules of Civil Procedure and found that the methodology employed by OPC was procedurally improper.

On March 25, 1991, OPC filed a Motion for Reconsideration by the Full Commission of Order No. 24255 (Motion). On April 5, 1991, Southern Bell filed its Response and Objection to OPC's Motion.

This matter came before us at our April 16, 1991, Agenda Conference. At that time, OPC and Southern Bell announced that they had reached an agreement regarding the issues underlying OPC's Motion. OPC and Southern Bell have agreed to stipulate into the record of the evidentiary proceeding in this docket the September, 1990, Report on BellSouth Corporation and Affiliates prepared by the SEARUC Southern Task Force (the Report). In addition, OPC and Southern Bell have agreed that the BellSouth Response to the Report, as well as the Southern Task Force's Reply Comments

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thereto, shall also be stipulated into evidence. In light of the stipulation, OPC has agreed not to seek testimony in this proceeding from either Rick Wright, Tim Devlin, or Jim Hord.

Upon consideration, we find it reasonable and appropriate to approve the agreement reached between OPC and Southern Bell on this matter. Having done so, we find OPC's Motion to now be moot.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the agreement reached between the Office of Public Counsel and Southern Bell Telephone and Telegraph Company is hereby approved as set forth herein. It is further

ORDERED that the Motion for Reconsideration by the Full Commission of Order No. 24255 filed by the Office of Public Counsel on April 5, 1991, is hereby determined to be moot. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this
6th day of MAY, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

by: Kay Jenson
Chief, Bureau of Records

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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 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.