

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of AT&T COMMUNICATIONS)	DOCKET NO. 870347-TI
OF THE SOUTHERN STATES for Commission)	ORDER NO. 24709
forbearance from earnings regulation and)	ISSUED: 6/25/91
waiver of Rule 25-4.495(1) and)	
25-24.480(1)(b), F.A.C., for a trial)	
period.)	
_____)	

ORDER ON PREHEARING PROCEDURE

Pursuant to the provisions of Rule 25-22.038, Florida Administrative Code, all parties and Staff are hereby required to file with the Director of Records and Reporting a prehearing statement on or before October 25, 1991. Each prehearing statement shall set forth the following:

- (a) all known witnesses that may be called and the subject matter of their testimony;
- (b) all known exhibits, their contents, and whether they may be identified on a composite basis and witness sponsoring each;
- (c) a statement of basic position in the proceeding;
- (d) a statement of each question of fact the party considers at issue and which of the party's witnesses will address the issue;
- (e) a statement of each question of law the party considers at issue;
- (f) a statement of each policy question the party considers at issue and which of the party's witnesses will address the issue;
- (g) a statement of the party's position on each issue identified pursuant to paragraphs (d), (e) and (f) and the appropriate witness;
- (h) a statement of issues that have been stipulated to by the parties;
- (i) a statement of all pending motions or other matters the party seeks action upon; and

DOCUMENT NUMBER-DATE

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- (j) a statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore.

The original and fifteen copies of each prehearing statement must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of October 25, 1991. Failure of a party to timely file a prehearing statement shall constitute a waiver of any issues not raised by other parties or by the Commission Staff. In addition, such failure shall preclude the party from presenting testimony in favor of his or her position on such omitted issues. Copies of prehearing statements shall also be served on all parties. Prehearing statements shall substantially conform to the Florida Rules of Civil Procedure requirements as to form, signatures, and certifications.

Each party is required to prefile all exhibits and all direct testimony it intends to sponsor in written form. Prefiled testimony shall be typed on standard 8 1/2 x 11 inch transcript quality paper, double spaced, with 25 numbered lines, in question and answer format, with a sufficient left margin to allow for binding. An original and fifteen copies of each witness' prefiled testimony and each exhibit must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the due date. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony. Copies of all prefiled testimony shall also be served by the sponsoring party on all other parties.

A final prehearing conference will be held on November 18, 1991, in Tallahassee. The conditions of Rule 25-22.038(5)(b), Florida Administrative Code, will be met in this case and the following shall apply:

Any party who fails to attend the final prehearing conference, unless excused by the prehearing officer, will have waived all issues and positions raised in his or her prehearing statement.

Any issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party, except for good cause shown. A party seeking to raise a new issue after the issuance of the prehearing order shall demonstrate that: he or

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she was unable to identify the issue because of the complexity of the matter; discovery or other prehearing procedures were not adequate to fully develop the issues; due diligence was exercised to obtain facts touching on the issue; information obtained subsequent to the issuance of the prehearing order was not previously available to enable the party to identify the issue; and introduction of the issue could not be to the prejudice or surprise of any party. Specific reference shall be made to the information received, and how it enabled the party to identify the issue.

Unless a matter is not at issue for that party, each party shall diligently endeavor in good faith to take a position on each issue prior to issuance of the prehearing order. When a party is unable to take a position on an issue, he or she shall bring that fact to the attention of the prehearing officer. If the prehearing officer finds that the party has acted diligently and in good faith to take a position, and further finds that the party's failure to take a position will not prejudice other parties or confuse the proceeding, the party may maintain "no position at this time" prior to hearing and thereafter identify his or her position in a post-hearing statement of issues. In the absence of such a finding by the prehearing officer, the party shall have waived the entire issue. When an issue and position have been properly identified, any party may adopt that issue and position in his or her post-hearing statement.

To facilitate the management of documents in this docket, parties and Commission Staff shall submit an exhibit list with their respective prehearing statements. Each exhibit submitted shall have the following in the upper right-hand corner: the docket number, the witness's name, the word "Exhibit" followed by a blank line for the Exhibit Number and the title of the exhibit.

An example of the typical exhibit identification format is as follows:

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Docket No. 870675-TL
J. Doe Exhibit No. _____
Cost Studies for Minutes Of Use by Time of Day

Parties are directed to file copies of all prehearing statements, post-hearing statements of positions on issues or briefs, and proposed findings of fact and conclusions of law on diskette in word processing format. Specific details regarding the appropriate word processing software shall be obtained from the Director of the Division of Records and Reporting. Exceptions to this requirement may be granted by this Prehearing Officer for good cause shown.

The following dates have been established to govern the key activities of this proceeding in order to maintain an orderly procedure.

1. August 5, 1991 - Company's Direct Testimony to be filed
2. September 5, 1991 - Intervenor's Direct Testimony to be filed
3. September 25, 1991 - Staff Testimony, if any
4. October 11, 1991 - Company's Rebuttal Testimony to be filed
5. October 25, 1991 - Prehearing Statements to be filed
6. November 18, 1991 - Prehearing Conference
7. December 4-6, 1991 - Hearings to be held.

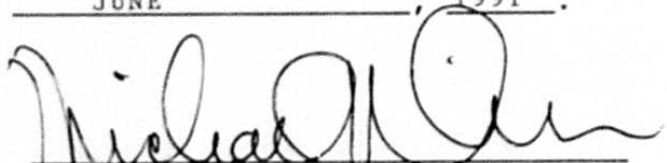
Prefiled testimony and prehearing statements shall be addressed to the tentative list of issues identified at the parties' Issue Identification on June 19, 1991, and attached hereto.

The hearing in this docket is presently set for December 4-6, 1991. Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by **November 27, 1991**. In addition, to facilitate their identification, all interrogatories, requests for admissions, and requests for production of documents shall be numbered consecutively. Each set of discovery requests shall be numbered sequentially from any previous set(s). Unless

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authorized by the Prehearing Officer, the following shall apply: interrogatories, including all subparts, shall be limited to 300, and requests for production of documents, including all subparts, shall be limited to 175.

By ORDER of Michael McK. Wilson, Commissioner and Prehearing Officer, this 25th day of JUNE, 1991.



MICHAEL McK. WILSON, Commissioner
and Prehearing Officer

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ISSUES: ATT-C FORBEARANCE DOCKET NO: 870347 - TI

TENTATIVE LIST OF ISSUES DEVELOPED BY PARTIES
AT JUNE 19, 1991, ISSUE IDENTIFICATION

1. Has the ATT-C Forbearance experiment advanced the Commission's objectives for Florida's intrastate interexchange market?
2. What are the relevant criteria the Commission should consider in deciding whether and how to regulate ATT-C and other IXCs? For example, should the Commission consider market dominance, market power, earnings, rates, rates' effect on the level of intrastate interexchange competition, etc.?
3. Do any barriers to effective competition exist in the intrastate interexchange telecommunications market today? If so, what are these barriers and what are the implications for the way in which IXCs are regulated in Florida today?
4. Should ATT-C's petition for further relaxation of regulation be granted? If not, what is the appropriate form of regulation for ATT-C?
5. In light of the Commission's decision on the regulation of ATT-C, should the Commission consider any modification of the rules for other IXCs? If so, what modifications would be appropriate?
6. What are the appropriate actions and implementation date(s) of the Commission's decisions?
7. Should there be a continued assessment of the status of intrastate interexchange competition in Florida? If yes, how?