

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of revenue requirements and rate stabilization plan of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.)	DOCKET NO. 920260-TL
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In Re: Investigation into the integrity of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S repair service activities and reports.)	DOCKET NO. 910163-TL
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In Re: Investigation into SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S compliance with Rule 25-4.110(2), F.A.C., Rebates.)	DOCKET NO. 910727-TL
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In Re: Show cause proceeding against SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY for misbilling customers.)	DOCKET NO. 900960-TL
)	ORDER NO. PSC-93-0575-FOF-TL
)	ISSUED: April 14, 1993
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)	

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON

ORDER GRANTING MOTION TO POSTPONE HEARINGS

BY THE COMMISSION:

At the January, 19, 1993, Agenda Conference, we voted to consolidate the four above-referenced dockets. That action is reflected in Order No. PSC-93-0390-FOF-TL.

On February 15, 1993, the Office of Public Counsel (OPC) filed a Motion for Review by the Full Commission of the Prehearing Officer's Order Revising Procedural Schedule (Motion for Review). BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed its Response and Memorandum in Opposition to Public Counsel's Motion for Review of Order Establishing Revised Procedural Schedule (Response to Motion for Review) on February 22, 1993.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

On February 17, 1993, OPC filed a Motion to Postpone Hearings (Motion to Postpone). Southern Bell filed its Response and Opposition to Public Counsel's Motion to Postpone Hearings (Response to Motion to Postpone) on February 22, 1993. A motion hearing was then set for March 5, 1993, to address these matters.

The Motion for Review states that Order No. PSC-93-0177-PCO-TL requires OPC to file testimony without the benefit of numerous pieces of discovery it has been seeking. As Southern Bell points out in its Response to the Motion for Review, OPC's Motion is, in effect, a request for a continuance of the hearings currently scheduled for March and April, 1993. Southern Bell states that it has no objection to postponement of hearings related to the issues identified in Dockets Nos. 900960-TL, 910163-TL, and 910727-TL; however, it opposes a delay in the hearings for the issues in Docket No. 920260-TL.

OPC's Motion to Postpone explicitly asks us to postpone all of the hearings scheduled for March and April, 1993, in the four above-referenced dockets. Again, OPC points to numerous discovery disputes which have required a considerable period of time to resolve. One such dispute was recently ruled upon by the Florida Supreme Court, with several others expected to go before the Court as well. OPC also notes here, as in the Motion for Review, that moving the hearing dates will allow completion of the staff audit of affiliate transactions. Southern Bell's Response to the Motion to Postpone is essentially the same as its Response to the Motion for Review. Southern Bell notes that the audit to which OPC refers is being conducted under the joint auspices of the National Association of Regulatory Utility Commissioners (NARUC) and this Commission. Southern Bell does not believe that the joint audit should serve as a vehicle to delay the proceedings.

Finally, we note that on March 4, 1993, the Attorney General of the State of Florida (AG) filed its Response in Support of Public Counsel's Motion for Review by the Full Commission of the Prehearing Officer's Order Revising Procedural Schedule and Public Counsel's Motion to Postpone Hearings (AG's Response). The AG characterizes the pending proceeding as "one of the most critical rate cases to be heard by this Commission in recent history." It is the AG's position that the outstanding discovery referred to by OPC is essential to conducting the case properly. For this reason, the AG believes it is appropriate to postpone all of the hearings until the discovery can be obtained and analyzed, as requested by OPC.

Upon consideration of the arguments put forth in the pleadings and at the motion hearing, we find it appropriate to postpone all of the scheduled hearings in the above-referenced dockets until January, 1994, with the exact date of the hearings to be set by subsequent order. This action will require that the Company's minimum filing requirements (MFRs) be refiled in their entirety. Southern Bell has suggested a July 2, 1993, filing date for the new MFRs, which we find to be acceptable. The Company has agreed that the January 1, 1993, effective date for our decision will continue, with any decisions for 1993 based upon actual financial results available for the hearing, with Commission adjustments, and the new rate of return established through the hearing process. Interest shall accrue on any revenues subject to refund, such interest to be at a level determined to be reasonable through the hearing process, not the 30-day commercial paper rate provided by the rule in the absence of Commission action.

It is our intent that all matters in this proceeding shall continue to be conducted as expeditiously as possible. All existing schedules in the four above-referenced dockets shall be suspended by action of this Order. The new schedule for these dockets shall be contained in the next procedural order issued by the Prehearing Officer.

Based on the foregoing, it is

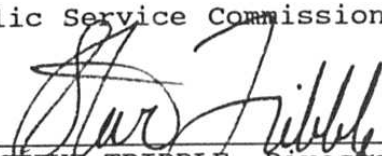
ORDERED by the Florida Public Service Commission that the Office of Public Counsel's Motion for Review by the Full Commission of the Prehearing Officer's Order Revising Procedural Schedule, filed February 15, 1993, and Motion to Postpone Hearings, filed February 17, 1993, are hereby granted to the extent set forth in the body of this Order. It is further

ORDERED that the hearings in these dockets presently scheduled for March and April, 1993, are hereby postponed until January, 1994, as detailed herein. It is further

ORDERED that these dockets shall remain open.

ORDER NO. PSC-93-0575-FOF-TL
DOCKETS NOS. 920260-TL, 910163-TL, 910727-TL, 900960-TL
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By ORDER of the Florida Public Service Commission this 14th
day of April, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

Commissioner Beard dissented.

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 wastewater 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.