

MEMORANDUM

August 10, 1994

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FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BILLMEIER/CANZANO) *Bill*

RE: DOCKET NO. 921074-TP - EXPANDED INTERCONNECTION PHASE II  
AND LOCAL TRANSPORT RESTRUCTURE.

*0967 - PCO*

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Attached is an ORDER GRANTING MOTION TO STRIKE PORTIONS OF  
PREFILED DIRECT TESTIMONY to be issued in the above referenced  
docket. (Number of pages in Order - 3)

LMB/js  
Attachment

I:921074MS.LMB

**MUST GO TODAY**



ORDER NO. PSC-94-0967-PCO-TP

DOCKETS NOS. 921074-TP, 930955-TL, 940014-TL, 940020-TL, 931196-TL  
AND 940190-TL

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The parties were also aware of the issues from an early date in this proceeding. An issue identification meeting was held on February 16, 1994, and the preliminary list of issues was set forth in Order No. PSC 94-0277-PCO-TL, issued March 10, 1994. One additional issue was added to the preliminary issue list on July 7, 1994, by Order No. PSC-94-0830-PCO-TP.

By adopting positions taken in the prehearing statement, Mr. Carroll attempts to avoid the requirements set forth in the Order Establishing Procedure. Allowing Mr. Carroll to file portions of his testimony on July 27, 1994, would violate the Commission's Order and deprive the parties of an adequate opportunity to review and rebut those portions of the testimony.

Upon consideration, I grant Time Warner's motion and strike the portion of Mr. Carroll's testimony that adopts positions taken in Northeast and Quincy's prehearing statement.

It is, therefore,

ORDERED BY Chairman J. Terry Deason, as Prehearing Officer, that Time Warner AXS of Florida, L.P.'s Motion to Strike Portions of John Carroll's Testimony is granted.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 10th day of August, 1994.

  
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J. TERRY DEASON, Chairman and  
Prehearing Officer

( S E A L )

LMB

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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 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.