

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into which) DOCKET NO. 930046-TP
local exchange company (LEC)) ORDER NO. PSC-95-0671-PCO-TP
services are effectively) ISSUED: May 31, 1995
competitive in 1993.)
_____)

ORDER GRANTING REQUEST FOR EXTENSION OF TIME
TO FILE TESTIMONY AND PREHEARING STATEMENTS

By Order No. PSC-94-1286-FOF-TP, issued October 17, 1994, this Commission determined that certain LEC-provided services were effectively competitive pursuant to Section 367.338, Florida Statutes. On November 7, 1994, a number of the parties to this proceeding filed timely protests to Order No. PSC-94-1286-FOF-TP. Pursuant to their protests, this case has been scheduled for an administrative hearing.

By Order No. PSC-95-0511-PCO-TP, issued April 26, 1995, this Prehearing Officer established a schedule to govern the key activities in this docket. According to that schedule, the parties' direct testimony is due on or before June 1, 1995, Staff's testimony is due on or before June 20, 1995, and rebuttal testimony and prehearing statements are due on or before July 10, 1995.

On May 15, 1995, GTE Florida Incorporated (GTEFL) filed a request for extension of time for filing testimony. GTEFL argues that we should extend the deadlines for filing testimony and prehearing statements due to the legislation recently enacted by the Legislature which, among other things, repeals Section 364.338, Florida Statutes. Since there is still some uncertainty as to whether the Governor will sign the subject bill, GTEFL suggests that the deadlines should be extended by at least one month each. GTEFL also argues that no party will be prejudiced by such action.

Upon consideration, the Prehearing Officer finds it appropriate to grant GTEFL's request for extension of time. Nevertheless, the Prehearing Officer notes that July 1, 1995, falls on a Saturday. The next business day is Monday, July 3, 1994, one day before Independence Day. Accordingly, the parties' prefiled direct testimony shall be due on July 7, 1995. Staff's prefiled direct testimony shall be due on July 28, 1995. Rebuttal testimony and prehearing statements shall be due on August 18, 1995.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-95-0671-PCO-TP
DOCKET NO. 930046-TP
PAGE 2

It is, therefore

ORDERED by Chairman Susan F. Clark, as Prehearing Officer, that GTE Florida Incorporated's request for extension of time is granted, as set forth in the body of this order.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this 31st day of May, 1995.


SUSAN F. CLARK, Chairman and
Prehearing Officer

(S E A L)

RJP

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

ORDER NO. PSC-95-0671-PCO-TP
DOCKET NO. 930046-TP
PAGE 3

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.