

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for) DOCKET NO. 951257-TP
modification of Order No. 13934) ORDER NO. PSC-96-0256-PCO-TP
to increase statewide local coin) ISSUED: February 22, 1996
rate cap for local exchange)
companies and independent public)
payphone providers, by Florida)
Public Telecommunications)
Association, Inc.)

ORDER COMPELLING PRODUCTION OF DOCUMENTS

On October 23, 1995, the Florida Public Telecommunications Association (FPTA) filed a petition asking the Commission to raise the pay telephone rate cap for local calls from \$0.25 to \$0.35 and from \$0.25 to \$0.50 for extended local calls. On November 6, 1995, the Office of Public Counsel (OPC) served its First Set of Requests for Production of Documents on FPTA. On December 11, 1995, FPTA served its response and objections on OPC. On December 12, 1995, OPC filed its First Motion to Compel against FPTA. FPTA filed its response on December 19, 1995.

OPC requested FPTA produce documents relating to the financial information of each of its five largest corporate members. OPC further requested documents relating to the profitability and gross margins of pay telephone operations, the effect of paying B1 rates for pay telephone access lines, and the effect of the settlement in Docket No. 920160-TL on pay telephone operations, profitability, and expenses.

FPTA objected to each of OPC's requests. FPTA believes OPC's requests are not reasonably calculated to lead to discovery of admissible evidence and not relevant to this proceeding. FPTA argues that rates for independent pay telephone providers (IPPs) are tied to the local exchange company (LEC) rates by statute. It further argues that the current rate violates Section 364.051(6)(c), Florida Statutes. Because the statute ties the IPP rate to the LEC rate, FPTA believes only the LEC financial information is relevant in this proceeding.

FPTA might be correct when it argues that LEC costs should be an issue in this proceeding. However, by filing its petition, FPTA put the rates charged by IPPs at issue. FPTA claims in its petition that current rates do not cover its costs. In this proceeding, the Commission will set pay telephone rates and might need to consider the financial situations of IPPs. OPC's requests

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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appear relevant and may, at least, lead to discovery of admissible evidence.

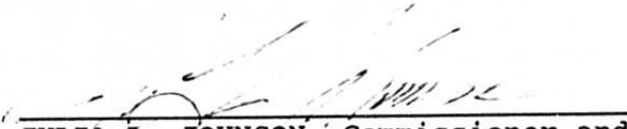
Therefore, FPTA is ordered to produce all documents responsive to Citizens' requests numbers 1, 2, 3, 4, 5, and 6. Since FPTA stated it did not identify any documents responsive to OPC's request no. 7, no action is necessary.

It is, therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the Office of Public Counsel's First Motion to Compel is granted as described herein. It is further

ORDERED that the Florida Public Telecommunications Association, Inc. shall produce all documents responsive to the Office of Public Counsel's first set of request for production of documents no later than 15 days from the date this Order is issued, unless otherwise mutually agreed upon by counsel.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 22nd day of February, 1996.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

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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.