

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by the ) DOCKET NO. 930173-TL  
residents of Polo Park ) ORDER NO. PSC-96-0763-PHO-TL  
requesting extended area service ) ISSUED: June 12, 1996  
(EAS) between the Haines City )  
exchange and the Orlando, West )  
Kissimmee, Lake Buena Vista, )  
Windermere, Reedy Creek, Winter )  
Park, Clermont, Winter Garden )  
and St. Cloud exchanges. )  
\_\_\_\_\_ )

Pursuant to Notice, a Prehearing Conference was held on May 30, 1996, in Tallahassee, Florida, before Commissioner Julia L. Johnson, as Prehearing Officer.

APPEARANCES:

John B. Hilkin, 235 Jackson Park Avenue, Davenport,  
Florida 33837  
On behalf of Polo Park Homeowners Association.

J. Phillip Carver, Esquire, and Nancy White, Esquire, c/o  
Nancy H. Sims, Esquire, 150 South Monroe St., Room 400,  
Tallahassee, Florida 32301  
On behalf of BellSouth Telecommunications, Inc.

Anthony P. Gillman, Esquire,  
P.O. Box 110, FLTC0007, Tampa, Florida 33601  
On behalf of GTE Florida Incorporated.

Lee L. Willis, Esquire, and J. Jeffrey Wahlen, Esquire  
Ausley & McMullen, P.O. Box 391, Tallahassee, Florida  
32302  
On behalf of United Telephone Company of Florida and  
Vista-United Telecommunications

Donna L. Canzano, Esquire, Florida Public Service  
Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
Florida 32399-0850  
On behalf of the Commission Staff

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**PREHEARING ORDER**

**I. CASE BACKGROUND**

Pursuant to Order No. PSC-95-1396-FOF-TL, issued November 13, 1995, the Commission has set this matter for an administrative hearing.

**II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION**

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183(2), Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.

- 2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of Records and Reporting confidential files.

Post-hearing procedures

Rule 25-22.056(3), Florida Administrative Code, requires each party to file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. The rule also provides that if a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 60 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.

### III. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

### IV. ORDER OF WITNESSES

<u>WITNESS</u>	<u>APPEARING FOR</u>	<u>ISSUES #</u>
David E. Robinson	GTEFL	All Issues
Joseph A. Stanley, Jr.	BellSouth	All Issues
Sharon E. Harrell	United	All Issues
John B. Hilkin	Polo Park	All Issues

### V. BASIC POSITIONS

#### POLO PARK:

We feel that because of our unique four county convergence area, with a burgeoning growth rate, that special

consideration should be given to relieve us from each call being billed on a long distance basis when we call across county lines just a few miles away. We are in a no man's land category.

**BELLSOUTH:**

The only route at issue in this docket that involves a BellSouth exchange is Haines City to Orlando; Orlando is a BellSouth exchange. Because this is an interLATA route, BellSouth has no traffic data. Without this data, BellSouth cannot take a position as to whether a sufficient community of interest exists to justify non-optional flat rate extended area service. BellSouth believes that if the Florida Public Service Commission ("Commission") determines that an alternative toll plan is appropriate, then the ECS (ECS) plan discussed in the Staff Workshop held on January 23, 1996 is the best alternative.

**GTEFL:**

Under the Commission's rules, community of interest for extended area service (EAS) is to be determined through calling usage studies which calculate toll calling frequency and patterns between exchanges involved in an EAS request. Those rules prescribe the threshold showing necessary to pursue such a request. In this case, however, toll calling statistics are unavailable. In the absence of such calling data, it is impossible to draw any conclusions about whether customers should be surveyed for EAS, as defined in the Commission's rules, or for an alternative interLATA toll plan. As such, the traditional plans previously ordered by the Commission may not be applicable in this docket.

However, GTEFL would propose to offer an expanded local calling plan (LCP) on a fully optional basis. This plan has four options. With the Basic Calling option, the customer pays a reduced local access line rate and all local calls, including calls to their home exchange (Haines City), as well as those to their current and expanded local calling area, are billed at optional local measured usage rates on a per minute basis. A second option is the Community Calling option, which offers the customer a slightly reduced local access line rate (as compared to the existing local flat rate) and flat rate calling to his home exchange only. All other local calls within the current and expanded local calling area are billed at local measured usage rates. A third option is called the Community Plus option. Under this plan, the customer pays a

higher rate for local access in comparison to his current flat rate service. He has flat rate calling to his home exchange and selected nearby exchanges while all other local calls in the expanded local calling area are billed at local measured usage rates. These selected exchanges are generally those to which customers currently enjoy flat-rate EAS. The fourth option is the Premium Calling Option. Under this option, the customer pays a premium flat rate and may make an unlimited number of calls, without regard to duration, to all exchanges within the current and the expanded local calling area.

GTEFL's proposed LCP is the most appropriate EAS solution in this case. This approach provides Haines City consumers with a number of attractive calling options designed to meet consumers' differing needs. No one will be forced to pay for service they might not want and if calling patterns change for a customer in the future, they may change to another option or back to the always available flat rate service currently offered today. Also, local rates are not raised or changed in any way, which satisfies the intent of the recent legislation.

**UNITED:**

United's basic position is that the calling patterns on the routes in this docket do not meet the existing Commission requirements to qualify for balloting for flat-rate, non-optional EAS, nor are they close enough to warrant any alternative form of toll relief.

**VISTA:**

Vista's interest in this docket relates only to the Haines City-Lake Buena Vista route. The calling patterns on this route do not meet the existing Commission requirements to qualify for balloting for flat-rate, non-optional EAS, nor does the traffic warrant any alternative form of toll relief.

**STAFF:**

There is not a sufficient community of interest to justify nonoptional EAS as defined in the Commission's rules. Staff has no position at this time regarding whether there is a sufficient community of interest to implement an alternative toll plan on these routes.

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary

positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

## VI. ISSUES AND POSITIONS

### ISSUE 1:

Is there a sufficient community of interest on the routes listed in Table A to justify surveying for nonoptional extended area service as currently defined in the Commission rules, or implementing an alternative interLATA toll plan?

### POSITIONS:

#### POLO PARK:

Because of the unique location of Polo Park and the surrounding 33 residential communities, we feel this sufficient community of interest.

#### BELLSOUTH:

BellSouth has no position as to whether non-optional, flat rate EAS is appropriate. In the absence of traffic data, BellSouth can reach no conclusion as to whether a community of interest exists. If the Commission orders an alternative plan, BellSouth believes that the ECS Plan would be the most appropriate alternative.

#### GTEFL:

Under the Commission's rules, community of interest for extended area service (EAS) is to be determined through calling usage studies which calculate toll calling frequency and patterns between exchanges involved in an EAS request. The Rules prescribe the threshold showing necessary to pursue such a request. In this case, however, toll calling statistics are unavailable. Because the requested routes are interLATA in nature, they have been served by interexchange carriers (IXCs), rather than GTEFL. In the past, GTEFL was able to compile reasonably complete interLATA toll statistics because it performed rating and recording of calls for AT&T. However, AT&T took back these functions some time ago, such that GTEFL no longer has access to these toll data. As such, in March of 1994, the Commission excused GTEFL from filing

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interLATA traffic data in this docket and recognized that GTEFL is unable to provide traffic data in the format required by the EAS rules. In the absence of toll calling data, it is impossible to draw any conclusions about whether customers should be surveyed for EAS, as defined in the Commission's rules, or for an alternative interLATA toll plan.

**UNITED:**

No. Commission Rule 25-4.060(3) states that a sufficient community of interest exists when the calling rate exceeds three Messages Per Access Line Per Month (M/A/Ms) and 50% of the subscribers in the exchange make two or more calls per month. Traffic on the routes in this docket does not meet either criteria.

**VISTA:**

No. Commission Rule 25-4.060 (3) states that a sufficient community of interest exists when the calling rate exceeds three Messages Per Access Line Per Month (M/A/Ms) and 50% of the subscribers in the exchange make two or more calls per month. Traffic on the Haines City-Lake Buena Vista route does not meet either criteria.

**STAFF:**

There is not a sufficient community of interest to justify nonoptional EAS as defined in the Commission's rules. Staff has no position at this time regarding whether there is a sufficient community of interest to implement an alternative toll plan on these routes.

**ISSUE 2:**

What other community of interest factors should be considered in determining if either an optional or nonoptional toll alternative should be implemented on these routes?

**POSITIONS:**

**POLO PARK:**

Since no calling volume records are available from any of the telephone companies involved, we have submitted in our February 19, 1996 letter with testimony & exhibits the exhibit marked Exhibit "A" which shows, in a short period of time, the



pattern of usage from a small cross section of phone users the typical usage to the routes in question.

**BELLSOUTH:**

BellSouth has no position.

**GTEFL:**

Under its rules, the Commission may consider other community of interest factors' in assessing an EAS request only after determining that the toll traffic on a given route does not meet the Rules prescribed community of interest qualifications. (See Rule 25-4.060(5).) Likewise, it may consider alternatives to EAS (defined as nonoptional, unlimited, two-way flat-rate calling at an increment to exchange rates) only when the toll traffic patterns would not justify EAS under the Rules. (See Rule 25-4.064.) However, in this case, there are no statistics available to discern whether calling on the requested routes meets the criteria for EAS or even assess whether some alternative plan may be justified. As such, GTEFL contends that the lack of any toll calling statistics precludes the Commission from considering ordering implementation of EAS or even an alternative plan. GTEFL acknowledges that certain unquantifiable, societal factors, such as the location of school district boundaries, major shopping areas, medical services, large plants or offices, and natural neighborhood boundaries not coincident with exchange boundaries may be shown in support of a community of interest. However, GTEFL believes that the Commission rules contemplate consideration of these ultimately unmeasurable elements only in conjunction with traffic data, not as stand-alone reasons for pursuing an EAS request.

**UNITED:**

Additional community of interest factors often included are the location of schools, fire/police departments, medical/emergency facilities and county government. Haines City is located in Polk County, and such community of interest factors for that exchange reside within that county, therefore, these traditional community of interest factors are not applicable in this docket.

**VISTA:**

No position at this time.

**STAFF:**

No position at this time.

**ISSUE 3:**

If a sufficient community of interest is found on any of these routes, what is the economic impact of each plan on the company (summarize in chart form and discuss in detail)?

- a) EAS with 25/25 plan and regrouping;
- b) Alternative InterLATA toll plan; and
- c) Other (specify)

**POSITIONS:**

**POLO PARK:**

This economic issue, it would appear to us, can only be addressed by the telephone companies represented in this docket.

**BELLSOUTH:**

Each plan would have some economic impact on BellSouth because the company would have to incur costs to provide facilities to implement any plan. BellSouth does not, however, have the data necessary to quantify these costs.

**GTEFL:**

GTEFL contends that the Commission's legal authority to order an EAS or alternative interLATA plan without traffic data is dubious. However, if the Commission can develop a legally acceptable way of reliably measuring community of interest in the absence of toll traffic statistics, GTEFL's position on each of these alternatives is as follows:

**EAS with 25/25 plan and regrouping.** The financial impact on the Company would be determined using current regrouping and 25% additive guidelines. This exercise would very roughly indicate that the R1 rate would change from the existing \$10.86 to \$14.76 if all routes were included. This yields approximately \$1,300,000 in new annual revenue. This figure, however, must be reduced by the amount of GTEFL's displaced access revenues and a potentially additional expense charged to GTE for terminating access for each minute of call duration on all EAS calls that GTE terminates to a customer of another

local company. GTEFL cannot calculate these displaced revenues and expenses without the kind of IXC data which is not available to it. Therefore, GTEFL cannot reliably estimate the annual net gain or loss of this type of plan at this time.

**Alternative interLATA toll alternative plan.** This option contemplates an extended calling service (ECS) plan or modified ECS (measured extended calling (MECS)), rather than EAS. This type of plan would be designed to be revenue neutral to GTEFL. All access revenue loss combined with new access expense would be added and spread in some fashion to all Haines City customers in a combination of per line additives and current message rates for residence customers and per minute usage rates for business. Because these calculations would require additional data from the IXCs, GTEFL cannot determine monthly line additive levels.

**Other.** This alternative would allow a more market-oriented approach to the EAS expansion request. It would not require the consideration of toll traffic statistics, but would be designed using other types of surrogate data to measure the amount of revenue required of an optional local calling plan to make it economically feasible for GTE and the end user customer. Assuming that sufficient demand exists, GTEFL would propose to offer an expanded local calling plan (LCP) on a fully optional basis. This plan has four options described below:

**Basic Calling:** The customer pays a reduced local access line rate and all local calls, including calls to their home exchange (Haines City), as well as those to their current and expanded local calling area, are billed at optional local measured usage rates on a per minute basis. The R1 rate for this option is estimated to be between \$6.75 and \$7.25, while the B1 rate would be between \$17.00 and \$18.00.

**Community Calling:** The customer pays a slightly reduced local access line rate (as compared to the existing local flat rate) and has flat rate calling to his home exchange only. All other local calls within the current and expanded local calling area are billed at local measured usage rates. The R1 rate estimate would be between \$9.50 and \$10.50. B1 customers would not be offered this option.

**Community Plus:** The customer pays a higher rate for local access in comparison to his current flat rate service. He has flat rate calling to his home exchange and selected nearby exchanges while all other local calls in the expanded local

calling area are billed at local measured usage rates. These selected exchanges are generally those to which customers currently enjoy flat-rate EAS. In the Haines City example, the exchanges would be Haines City, Winter Haven and Lake Wales. The R1 rate estimate for this option would be between \$13.25 and \$14.25, while a B1 estimate would be between \$32.00 and \$35.00.

**Premium Calling:** The customer pays a premium flat rate and may make an unlimited number of calls, without regard to duration, to all exchanges within the current and the expanded local calling area. The R1 estimate would be between \$25.00 and \$40.00. This option would not be available to business customers.

GTEFL's proposed LCP is certainly the most appropriate option. This approach provides Haines City consumers with a number of attractive calling options designed to meet consumers' differing needs. No one will be forced to pay for service they might not want and if calling patterns change for a customer in the future, they may change to another option or back to the always available flat rate service currently offered today. Also, local rates are not raised or changed in any way, which satisfies the intent of the recent legislation. Indeed, the customer has the choice of retaining his current service, without any additive or change to the current monthly rate, and continue to pay toll rates when calling other exchanges.

Additionally, GTEFL feels that such an optional local service plan, giving customers more control of their local calling area and service choices, is consistent with the manner in which services are offered in a competitive marketplace. Mandatory EAS plans requiring regulatory intervention are inconsistent with competitive marketplace demands and requirements, and not in the best interest of all consumers in a given exchange area.

**UNITED:**

- a. Should the Commission determine that flat-rate, non-optional EAS is warranted, the implementation would impact three of the United exchanges. The West Kissimmee, Kissimmee and St. Cloud exchanges would be regrouped from rate group three to rate group four, thus incurring an increase in their basic local service rate.

The impact to the Company of the implementation of EAS would result in a loss of access revenue and an increase in local service revenues, resulting in an average annual revenue gain of \$253,000, which does not reflect the additional costs incurred for facilities that will need to be installed or leased from an IXC, or other administrative costs.

- b. The implementation of ECS impacts only those customers making the calls. Based on the monthly calling volume reflected in the traffic studies, the estimated annual revenue impact to United would be a loss of \$218,000. These dollars do not reflect the additional costs incurred for facilities that will need to be installed or leased from an IXC, or other administrative costs.

**VISTA:**

No position at this time.

**STAFF:**

No position at this time.

**ISSUE 4:**

Should subscribers be required to pay an additive as a prerequisite to surveying for extended area service or an alternative interLATA toll plan? If so, how much of a payment is required and how long should it last?

**POSITIONS:**

**POLO PARK:**

We do not feel an additive is in order under any of the plans.

**BELL SOUTH:**

BellSouth has no position.

**GTEFL:**

If any survey is done, customers should certainly be informed that any mandatory local area expansion approved by a majority of the customers would require all customers to pay a monthly additive. The amount of the additive would be determined by the revenue loss and expense gain calculation and would vary by exchange. If mandatory expansion is ordered through EAS or

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a toll alternative, the additive would continue indefinitely. GTEFL's optional LCP recommendation would require no mandatory additives.

**UNITED:**

The routes in this docket do not meet the Commission requirements for any form of toll relief. However, should the Commission determine that EAS is appropriate, the 25/25 Plan with Regrouping should be ordered.

**VISTA:**

No position at this time.

**STAFF:**

If the Commission determines that EAS is appropriate, an additive should be included for purposes of surveying customers. Staff takes no position at this time regarding the length of time the additive should remain.

**ISSUE 5:**

If a sufficient community of interest is found, what are the appropriate rates and charges for the plan to be implemented on these routes?

**POSITIONS:**

**POLO PARK:**

Polo Park and surrounding communities are not in a position to address this issue.

**BELLSOUTH:**

BellSouth has no position.

**GTEFL:**

For EAS with 25/25 plan and regrouping, the appropriate rates would be those determined under the existing 25/25 formula. No message charges would be assessed. The rates would only be appropriate provided the formula was applied correctly. GTEFL could either gain or lose revenue, depending on how costs compared with new revenue generation.

With an alternative plan, an additive to the monthly rate would have to be calculated and set. Balloting the market (customer base) and then assessing the levels of acceptance would determine if the rates were appropriate. The additives could only be appropriate if they both covered GTE's costs to offer the expansion and simultaneously the majority of customers agreed to pay the new monthly additive rate levels to be applied to all customers. Message rates for residence and minute rates for business would also apply. GTE would be made whole in this scenario, if the customer accepted all new rate levels.

For the optional LCPs, rates and charges would be set to cover costs and to assure customers attractive calling options that best fit their needs. Again, appropriate rate levels could be determined by the level of customer selection of each LCP option.

**UNITED:**

If the Commission finds that a sufficient community of interest exists, Extended Calling Service should be ordered.

**VISTA:**

No position at this time.

**STAFF:**

No position at this time.

**ISSUE 6:**

If extended area service or an alternative interLATA toll plan is determined to be appropriate, should the customers be surveyed?

**POSITIONS:**

**POLO PARK:**

Polo Park is not in a position to answer this question.

**BELLSOUTH:**

Yes. Customers should be surveyed regarding any proposed plan.

**GTEFL:**

If the Commission determines that it has the authority to find an EAS or alternative toll plan appropriate even without benefit of toll traffic data, then yes, customers should definitely be surveyed. Indeed, the survey takes on critical importance in the absence of any calling statistics that might serve as a threshold indicator of potential consumer acceptance of a proposed EAS or alternative interLATA plan. The survey would be the only reliable means of knowing whether customers like a mandatory expansion plan and would be willing to pay a specified amount more per month for it. If the Commission adopts the optional LCP approach, Commission rules would not require a survey. Surveys are essential for obvious fairness reasons when there is a possibility that all customers will be forced to change their service and/or pay additional or different rates. However, because GTEFL's LCPs would be strictly optional, and no customer would be forced to pay more or change his existing service, a mandatory survey is not a useful or meaningful tool for purposes of this docket.

**UNITED:**

Yes. If a non-optional plan is determined to be appropriate, the subscribers should be surveyed. All subscribers should have a voice in the implementation of such a plan since all subscribers will pay for the plan if implemented.

**VISTA:**

Yes.

**STAFF:**

If the Commission determines that EAS with an additive is appropriate, the subscribers should be surveyed. If the Commission determines that an alternative toll plan is appropriate, no survey is required.

VII. EXHIBIT LIST

<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
John B. Hilkin	Polo Park	<u>                    </u> (JBH-1)	"A" - Four Counties area



<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
John B. Hilkin	Polo Park	<u>(JBH-2)</u>	"B" - Distances from major metro areas
John B. Hilkin	Polo Park	<u>(JBH-3)</u>	"C" - 33 residential communities
John B. Hilkin	Polo Park	<u>(JBH-4)</u>	"C2" - Northeast growth
John B. Hilkin	Polo Park	<u>(JBH-5)</u>	"D" - Area codes affected
John B. Hilkin	Polo Park	<u>(JBH-6)</u>	"E" - Patterns of usage to each route
David E. Robinson	GTEFL	<u>(DER-1)</u>	
David E. Robinson	GTEFL	<u>(DER-2)</u>	
David E. Robinson	GTEFL	<u>(DER-3)</u>	
Sharon E. Harrell	United	<u>(SEH-1)</u>	Traffic Studies
	VISTA	<u>(VUT-1)</u>	Traffic Studies

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

VIII. PROPOSED STIPULATIONS

The parties agree to stipulate Mr. Stanley's testimony into the record.

IX. PENDING MOTIONS

There are no pending motions at this time.

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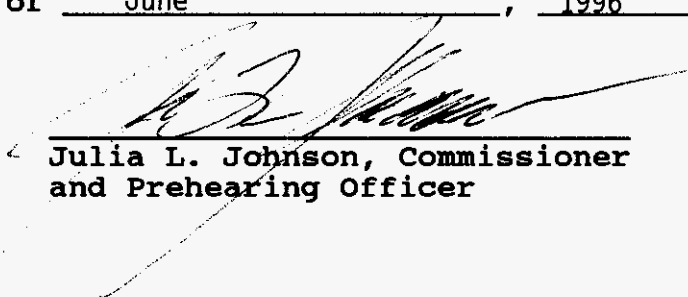
X. RULINGS

Vista's motion for extension of time to file prehearing statements is granted without objection.

It is therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 12th day of June, 1996.



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Julia L. Johnson, Commissioner  
and Prehearing Officer

( S E A L )

DLC

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

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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.