

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Dade County Circuit ) DOCKET NO. 951270-TI  
Court referral of certain issues ) ORDER NO. PSC-96-1054-PCO-TI  
in Case No. 94-14234-CA-22 (S.H. ) ISSUED: August 16, 1996  
Dohan & Company, P.A. vs. )  
Transcall America, Inc. d/b/a )  
ATC Long Distance) that are )  
within the Commission's )  
jurisdiction. )  
\_\_\_\_\_)

ORDER GRANTING MOTION TO COMPEL DEPOSITION

On June 6, 1996, S.H. Dohan & Co., (Plaintiff) filed a Motion to Compel the deposition of William Anderson, a corporate officer and attorney for the Defendant, Transcall America, Inc. d/b/a ATC Long Distance (Defendant). The Defendant objected to the deposition of Mr. Anderson on the ground that it would be unduly burdensome because Mr. Anderson's schedule was very busy and there was little likelihood that Mr. Anderson could provide any relevant evidence on the issues in dispute in the case. The Defendant explained that Mr. Anderson's personal knowledge of the billing practices of Transcall's former Telus billing system and other predecessor company billing systems is very limited. The Defendant asserted that Mr. Anderson simply does not have relevant, discoverable information that is not privileged. In the Motion to Compel, Plaintiff asserts that it is entitled to ask Mr. Anderson about his actions as an officer of the company, and that it does not intend to ask Mr. Anderson any questions regarding his legal representation of the company.

Upon consideration, and having balanced the Plaintiff's right to discovery of information reasonably likely to lead to relevant evidence against the Defendant's claim of undue burden, I grant Plaintiff's Motion to Compel. Counsel for the Defendant may object to any questions that elicit privileged information and instruct the witness not to answer.

It is, therefore,

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that S.H. Dohan & Co.'s Motion to Compel the deposition of William Anderson is granted.

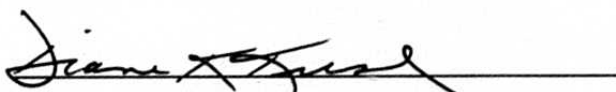
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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 16th day of August, 1996.

  
Diane K. Kiesling, Commissioner  
and Prehearing Officer

( S E A L )

MMB

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 25-22.0376, 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.