

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 960217-TI
proceedings against Telecuba,) ORDER NO. PSC-97-0422-PCO-TI
Inc. for violation of Rule 25-) ISSUED: April 15, 1997
24.470, F.A.C., Certificate of)
Public Convenience and Necessity)
Required.)
_____)

ORDER GRANTING MOTION FOR
EXTENSION OF TIME AND MODIFYING PROCEDURE

On May 10, 1996, the Florida Public Service Commission (Commission) issued Order No. PSC-96-0630-FOF-TI, in Docket No. 960217-TI, ordering Telecuba, Inc. (Telecuba), to show cause why it should not be fined for violation of Rule 25-24.470, Florida Administrative Code. On January 9, 1997, the Prehearing Officer in Docket No. 960217-TI issued an Order Establishing Procedure, Order No. PSC-97-0047-PCO-TI, to govern the proceeding. By that order, the filing deadline for rebuttal testimony and exhibits was March 21, 1997.

On March 28, 1997, Telecuba filed a Motion for Modification of Schedule to Facilitate the Filing of its Rebuttal Testimony. Therein, Telecuba requested that the date set forth in the Order Establishing Procedure for filing rebuttal testimony be extended to March 28, 1997. The basis of this request for time extension is that several lines of Commission staff's direct testimony, filed March 7, 1997, were omitted inadvertently from the filed version of the testimony. Prior to the filing of this motion, Telecuba's counsel notified staff of the apparent oversight and requested approval of a one-week extension of time for filing Telecuba's rebuttal testimony. Such an extension to file rebuttal testimony appears reasonable under the circumstances.

Based on my determination that such an extension will not unreasonably affect the proceedings or prejudice any party, the schedule in this docket shall be modified to reflect the change. The schedule set forth in Order No. PSC-97-0047-PCO-TI shall be modified as follows:

Rebuttal Testimony and Exhibits
March 28, 1997

All other dates set forth in Order No. PSC-97-0047-PCO-TI, shall remain the same.

DOCUMENT NUMBER-DATE

03806 APR 15 97

FPSC-RECORDS/REPORTING

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It is therefore,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Order No. PSC-97-0047-PCO-TI is modified to the extent set forth in the body of this Order. It is further

ORDERED that Order No. PSC-97-0047-PCO-TI is reaffirmed in all other respects.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 15th day of April, 1997.



J. TERRY DEASON, Commissioner and
Prehearing Officer

(S E A L)

WPC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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

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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.