

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Dade County Circuit) DOCKET NO. 951270-TI
Court referral of certain issues) ORDER NO. PSC-97-0530-PCO-TI
in Case No. 94-14234-CA-22 (S.H.) ISSUED: May 8, 1997
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 DEPOSITIONS

Dohan & Company, P.A. (Dohan) filed this complaint on March 22, 1995, in Dade County Circuit Court against Transcall America, Inc., d/b/a ATC Long Distance (Transcall) for alleged improper billing. On August 3, 1995, the Court issued I. Order Determining Claim to Be Maintained as Class Action II. Final Order Approving Class Action Settlement III. Order Staying Action and Transferring Same to the Florida Public Service Commission. Therein, the Court stated that Dohan's claims raise issues regarding Transcall's billing system and the application of tariff provisions that are within the specialized expertise and jurisdiction of the Commission. Accordingly, this docket was opened to address the specific issues referred to us. Discovery has ensued and this matter has been set for hearing.

On April 17, 1997, Transcall filed a Motion to Compel the Depositions of Plaintiff's Witnesses. Dohan filed its response to the motion on April 22, 1997.

By its motion, Transcall seeks to depose witnesses Signorelli, Resposo, and Bott. Dohan objects to the depositions on the grounds that the witnesses were deposed earlier. Dohan does not allege that the depositions are being requested in bad faith or to annoy, embarrass, or oppress the deponents.

Transcall is entitled to depose the above named witnesses with no specific limitations. Accordingly, Transcall's Motion to Compel is hereby granted. Dohan shall make its witnesses available to Transcall at the witnesses' earliest convenience.

Based on the foregoing, it is therefore

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Motion to Compel Depositions of Plaintiff's Witnesses filed by Transcall America, Inc., is granted. It is further

DOCUMENT NUMBER-DATE


04598 MAY-85

FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-0530-PCO-TI
DOCKET NO. 951270-TI
PAGE 2

ORDERED that S.H. Dohan & Company, P.A., shall make its witnesses available at the witnesses' earliest convenience.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 8th day of May, 1997.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

BC

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 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.