

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of MCI Metro
Access Transmission Services,
Inc. against BellSouth
Telecommunications, Inc. for
breach of approved
interconnection agreement.

DOCKET NO. 980281-TP
ORDER NO. PSC-98-1011-PHO-TP
ISSUED: July 27, 1998

Pursuant to Notice, a Prehearing Conference was held on Thursday, July 23, 1998, in Tallahassee, Florida, before Commissioner J. Terry Deason, as Prehearing Officer.

APPEARANCES:

Richard D. Melson, Esquire, Hopping Green Sams & Smith,
P.A., Post Office Box 6526, 123 South Calhoun Street,
Tallahassee, FL 32314; and Dulaney L. O'Roark, III,
Esquire, MCI Telecommunications Corporation, 780 Johnson
Ferry Road, Atlanta, GA 30346.
On behalf of MCI Metro Access Transmission Services, Inc.

Phil Carver, Esquire, BellSouth Telecommunications, Inc.,
675 West Peachtree Street, #4300, Atlanta, GA 30375.
On behalf of BellSouth Telecommunications, Inc.

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

PREHEARING ORDER

I. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, Florida Administrative Code, this Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of the case.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

II. CASE BACKGROUND

On February 23, 1998, MCImetro Access Transmission Services, Inc. (MCI) filed a complaint against BellSouth Telecommunications, Inc. (BellSouth) for alleged violations of the Telecommunications Act of 1996, 47 U.S.C. §151 et. seq. and for alleged breaches of the parties' Interconnection Agreement approved by this Commission on June 19, 1997. On March 16, 1998, BellSouth filed its answer and response to MCI's complaint. Thereafter, this matter was set for administrative hearing.

The scope of this proceeding shall be based upon the issues raised by the parties and Commission staff (staff) up to and during the prehearing conference, unless modified by the Commission. As point of clarification, this hearing primarily addresses MCI's allegations that BellSouth has not fulfilled its contractual obligations under the subject Interconnection Agreement. In the Issues identified in Section VI of this Order, reference to BellSouth's compliance with the Act is identified for purposes of clarifying and interpreting the terms and conditions of the Interconnection Agreement. The hearing will be conducted according to the provisions of Chapter 120, Florida Statutes, and applicable provisions of Florida Administrative Code.

III. 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.

IV. POST-HEARING PROCEDURES

Each party shall 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 filed in this proceeding. 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. Further, if a party fails to file a post-hearing statement in conformance with this order, 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 50 pages, and shall be filed at the same time. The prehearing officer may modify the page limit.

V. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties (and Staff) 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.

VI. ORDER OF WITNESSES

<u>WITNESS</u>	<u>APPEARING FOR</u>	<u>ISSUE NO.</u>
<u>DIRECT/REBUTTAL</u>		
Ron Martinez	MCImetro	All

<u>WITNESS</u>	<u>APPEARING FOR</u>	<u>ISSUE NO.</u>
<u>DIRECT/REBUTTAL</u>		
Bryan Green	MCImetro	1-8
William N. Stacy	BellSouth	1-7 and 9
Jerry Hendrix	BellSouth	All
W. Keith Milner	BellSouth	8, 10, 12, and 13

VII. BASIC POSITIONS

MCImetro: BellSouth has breached its Interconnection Agreement with MCImetro and has violated its obligation to provide interconnection and access to unbundled network elements at parity with itself in a number of respects detailed in the specific issues below. The effect of these breaches has been to obstruct and delay MCImetro's entry into the local exchange market in Florida. BellSouth should be ordered to correct each of these breaches and to provide MCImetro with the requested interconnection and access in compliance with the parties' Interconnection Agreement and with the nondiscrimination requirements of the Telecommunications Act of 1996. In addition, the Commission should consider what penalties or other sanctions are appropriate for BellSouth's conduct.

BELLSOUTH: Notwithstanding MCI's allegations to the contrary, BellSouth has complied with the Telecommunications Act of 1996 (the "Act"), as well as with the terms and conditions of the BS-MCI Interconnection Agreement. BellSouth has worked diligently and in good faith to facilitate MCI's entry into the local market. BellSouth will continue to be responsive and cooperative to MCI.

STAFF: 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.

VIII. ISSUES AND POSITIONS

ISSUE 1: Has BellSouth provided MCImetro with information about BellSouth's OSS and related databases in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BST has failed to provide MCImetro with the information about BST's internal OSS and related databases that is needed to judge whether the OSS provided to MCI is at parity with that used by BST. BST should be required to provide MCI with a detailed listing of BST's OSS systems, the technical specifications for such systems, a detailed listing of its databases, and the database descriptions for such databases within 10 days from the date of the Commission's final order.

BELLSOUTH: Yes. OSS materials, updates, and training have been provided to MCI. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 2: Has BellSouth provided MCImetro with the Street Address Guide (SAG) data in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BST has refused to provide MCImetro with a download of the RSAG database. The provision of limited access to this database through LENS does not comply with BST's contractual obligations. BST should be ordered to provide MCImetro a download of RSAG database and a description of the database within 10 days after the Commission's final order, and downloads of subsequent changes to the database on the same day the changes are made.

BELLSOUTH: Yes, BellSouth has made the information in the SAG available to MCI via LENS and EC-Lite. BellSouth has also offered to provide SAG extracts to MCI. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 3: Has BellSouth provided MCImetro with the due date calculation for a service order request from a customer in compliance with the Telecommunications Act of 1996 and the parties'

Interconnection Agreement? If no, what action, if any should the Commission take?

MCImetro: No. BST has not provided MCImetro with parity in the calculation of due dates for service order requests. BST should be ordered to provide MCImetro with the same capability to calculate due dates that BellSouth has for itself, through a system that can be integrated with MCI's ordering system, within 30 days of the Commission's final order.

BELLSOUTH: Yes. BellSouth has provided MCI with access to due date information and functions in substantially the same time and manner as BellSouth's access for its retail customers. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 4: Has BellSouth provided MCImetro with access to telephone numbers and telephone number information in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BST has not provided MCImetro with a parity in the reservation of telephone numbers or in access to NXX information. BellSouth should be ordered to provide MCImetro with the ability to reserve the same number of telephone numbers per order as BST, and to provide the same NXX information to MCImetro as is provided to BST representatives, all within 30 days of the Commission's final order.

BELLSOUTH: Yes. BellSouth has provided MCI with telephone numbers and associated information in substantially the same time and manner as BellSouth's access for its retail customers. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 5: Has BellSouth provided MCImetro with access to Universal Service Order Codes (USOCs) in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. While BST has recently provided MCImetro with USOC information in a usable electronic format, BST has not provided such access to FID information. BST should be ordered to provide MCImetro a FID file with descriptions, together with information on the states in which USOCs are valid, all within 30 days of the Commission's order.

BELLSOUTH: Yes. BellSouth has provided MCI access to USOCs in substantially the same time and manner as it does for itself. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 6: Has BellSouth provided MCImetro with customer service record (CSR) information in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BST has failed to provide MCImetro with access to all CSR data, including, for example, price information associated with a customer's services. BST should be ordered to provide MCImetro with access to complete CSR data within 30 days of Commission's order.

BELLSOUTH: Yes. BellSouth has provided MCI with electronic access to CSR information via LENS and EC-Lite. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 7: Has BellSouth provided MCImetro with service jeopardy notification in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BST has failed to provide MCImetro with electronic notification for all service jeopardies. BST should be ordered to provide MCImetro with commercially functional EDI support for service jeopardy notification within 30 days of the Commission's order.

BELLSOUTH: Yes. BellSouth has provided MCI with service jeopardy notification via LENS and facsimile, depending on the type

of electronic interface used for ordering. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 8: Has BellSouth provided MCImetro with firm order confirmations (FOCs) in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BST has failed to provide MCImetro with firm order confirmations within the time frames specified in the parties' Interconnection Agreement. BST should be ordered to modify its OSS to provide FOCs within the contractual timeframes within 30 days of the Commission's order.

BELLSOUTH: Yes. BellSouth provided MCImetro with appropriate firm order confirmations. No action need be taken by this Commission.

STAFF: Staff has no position at this time.

ISSUE 9: Has BellSouth provided MCImetro with network blockage measurement information in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BST has provided MCImetro with only limited network blockage information. BellSouth should be ordered to provide the detailed network blockage information requested by MCImetro in its December 24 letter to BST within 30 days of the Commission's order.

BELLSOUTH: Yes. BellSouth has provided MCI with detailed trunk group blocking information regarding trunks used to carry traffic for MCI as well as for BellSouth retail customers. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 10: Has BellSouth provided MCImetro with local tandem interconnection information in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BellSouth has failed to provide MCImetro with local tandem interconnection information necessary for MCImetro to interconnect at parity with BellSouth. BST should be ordered to provide MCImetro with such information, to route MCImetro's traffic on the same trunk groups as BST's local traffic, and to identify and make available to MCImetro all existing independent telephone company local and EAS routes served by the tandems, all within 30 days from the Commission's order.

BELLSOUTH: Yes. BellSouth has provided MCI with information regarding the availability of local tandem interconnection and how such interconnection would be ordered. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 11: Has BellSouth provided MCImetro with recorded usage data in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BellSouth has refused to provide MCImetro with recorded usage data on local calls for customers on flat rate calling plans as required by the parties' Interconnection Agreement. BST should be ordered to begin providing MCImetro with such data upon its request within 30 days from the Commission's order.

BELLSOUTH: Yes. BellSouth provides MCI with access usage records via the Access Daily Usage File. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 12: Has BellSouth provided MCImetro with access to directory listing information in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BellSouth has failed to provide MCImetro with directory listing information for certain customers of other local telephone companies. BST should be ordered to provide MCImetro with such information within 10 days from the Commission's order.

BELLSOUTH: Yes. BellSouth has provided MCI with access to directory assistance listings via the Directory Assistance Database Service and Direct Access to Directory Assistance Services. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

ISSUE 13: Has BellSouth provided MCImetro with soft dial tone service in compliance with the Telecommunications Act of 1996 and the parties' Interconnection Agreement? If no, what action, if any, should the Commission take?

MCImetro: No. BellSouth provides soft dial tone in a discriminatory fashion which identifies only BST as the carrier to be contacted for installation of local service. BST should be required to change this to an unbranded notification message within 30 days from the Commission's order.

BELLSOUTH: Yes. BellSouth has provided MCI with soft dial tone on a competitively neutral basis. No action need be taken by the Commission.

STAFF: Staff has no position at this time.

IX. EXHIBIT LIST

<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NUMBER</u>	<u>DESCRIPTION</u>
Ron Martinez	MCImetro	RM-1	MCImetro/BellSouth Interconnection Agreement (too voluminous to copy)
		RM-2	Excerpts from MCImetro/BellSouth Interconnection Agreement
		RM-3	BellSouth OSS Process Flow Charts (6/10/97)
		RM-4	MCI Request for Additional OSS Process Information (6/18/97)

<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NUMBER</u>	<u>DESCRIPTION</u>
		RM-5	MCI Follow-Up Request for Additional OSS Process Information (7/3/97)
		RM-6	BST Response re OSS Process Information (7/11/97)
		RM-7	MCI Request to Review BST OSS Systems (7/16/97)
		RM-8	MCI Follow-Up Request to Review BST OSS Systems (7/24/97)
		RM-9	BST Response re Review of BST OSS Systems (7/29/97)
		RM-10	BST Letter Re Provision of Call Detail Information (5/13/97)
		RM-11	MCI Response Re Provision of Call Detail (8/18/97)
		RM-12	BST Reply Re Provision of Call Detail Information (8/22/97)
Bryan Green	MCImetro	BG-1	MCI Letter to BST re Open OSS and Other Issues (12/24/97)
		BG-2	BST Response to 12/24/97 Letter (2/11/98)
		BG-3	BST E-Mail re RSAG (6/13/97)
		BG-4	MCI Renewed Request for RSAG data (6/16/97)
		BG-5	BST Response to MCI's Renewed Request for RSAG data (6/26/97)
		BG-6	MCI Additional Request for RSAG data (8/19/97)
		BG-7	BST Response to MCI's Additional Request for RSAG data (8/20/97)

<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NUMBER</u>	<u>DESCRIPTION</u>
		BG-8	MCI Letter re RSAG (8/18/97)
		BG-9	BST Initial Response (10/10/97)
		BG-10	BST Additional Response (11/13/97)
		BG-11	BST RSAG Extract Cost Estimate (12/2/97)
		BG-12	MCI Response to BST Cost Estimate (12/16/97)
		BG-13	BST E-Mails re Jeopardy Notification (8/18/97)
		BG-14	MCI Request for Jeopardy Notification (8/21/97)
		BG-15	MCI First Follow-Up Request re Jeopardy Notification (8/27/97)
		BG-16	MCI Letter to BST re FOCs (1/28/98)
		BG-17	MCI Initial Letter Request for LENS Specifications (6/4/97)
		BG-18	MCI Second Request for LENS Specifications (6/4/97)
		BG-19	MCI Third Request for LENS Specifications (6/26/97)
		BG-20	BST Transmittal of Out-of-Date Specifications (7/8/97)
		BG-21	MCI Letter to BST re LENS Specifications (9/5/97)
		BG-22	MCI/BST E-Mails re LENS Specifications (9/5/97)
		BG-23	MCI Letter re Failure to Provide Off-Net T1s (6/1/98)

<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NUMBER</u>	<u>DESCRIPTION</u>
		BG-24	MCI Letter to BST re FOCs for Access Circuits (11/5/97)
		BG-25	BST Response to MCI (12/15/97)
William N. Stacy	BellSouth	WNS-1	December 24, 1997 letter from Henry to Fiedler
		WNS-2	January 8, 1998 letter from Fiedler to Henry
		WNS-3	February 11, 1998 letter from Schaefer to Henry
		WNS-4	June 26, 1998 letter from Forbes to Arthur and June 16, 1997 letter from Arthur to Barrett
		WNS-5	August 18, 1997 letter from Schmidt to Barrett
		WNS-6	October 10, 1997 letter from Lee to Henry
		WNS-7	August 20, 1997 letter from Lee to Schmidt
		WNS-8	October 21, 1997 e-mail from Rueblinger to Green
		WNS-9	November 13, 1997 letter from Fiedler to Henry
		WNS-10	December 2, 1997 letter from Siegel to Green
		WNS-11	December 16, 1997 letter from Green to Siegel
		WNS-12	September 5, 1997 letter from Hopkins to Bowers
		WNS-13	November 18, 1997 e-mail from Bowers to Green

<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NUMBER</u>	<u>DESCRIPTION</u>
		WNS-14	November 24, 1997 e-mail from Bowers to Green
		WNS-15	December 18, 1997 e-mail from Siegel to Green
		WNS-16	April 9, 1998 e-mail from Rueblinger to Arthur
		WNS-17	February 23, 1998 letter from Bowers to Green
		WNS-18	March 9, 1998 letter from Green to Bowers
		WNS-19	March 23, 1998 letter from Bowers to Green
		WNS-20	April 9, 1998 letter from Bowers to Arthur
		WNS-21	April 23, 1998 letter from Arthur to Bowers
		WNS-22	May 6, 1998 letter from Bowers to Arthur
		WNS-23	BST Ordering/Pre-Ordering Integration Interface (OP11) Software
		WNS-24	December 15, 1997 letter from Daniels to Murdock and others
		WNS-25	January 30, 1998 letter from Siegel to Green
		WNS-26	August 20, 1997 letter from Lee to Schmidt
		WNS-27	PF'd Order Processing Procedures
		WNS-28	OSS Screens
		WNS-29	Pre-Ordering and Ordering Functions

<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NUMBER</u>	<u>DESCRIPTION</u>
Jerry Hendrix	BellSouth	JDH-1	Part A - General Terms and Conditions, Sections 13.3 and 13.8
		JDH-2	Attachment VIII - Business Process Requirements, Section 2.3.1
		JDH-3	Attachment VIII - Business Process Requirements, Sections 5.1.1.1 and 5.1.1.2
		JDH-4	Attachment VIII - Business Process Requirements, Section 2.1.3.1
		JDH-5	Attachment VIII - Business Process Requirements, Section 2.3.2.5
		JDH-6	Attachment VIII - Business Process Requirements, Section 2.2.4.3
		JDH-7	Part A - General Terms and Conditions, Section 13.5
		JDH-8	Attachment VIII - Business Process Requirements, Section 2.1.8
		JDH-9	Attachment VIII - Business Process Requirements, Section 2.3.2.3.1.2
		JDH-10	Attachment VIII - Business Process Requirements, Section 2.2.9.1
		JDH-11	Attachment VIII - Business Process Requirements, Section 2.2.6.1
		JDH-12	Attachment VIII - Business Process Requirements, Section 2.5.3.1

<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NUMBER</u>	<u>DESCRIPTION</u>
		JDH-13	Attachment IV - Interconnection, Sections 4.2.1 and 4.2.2
		JDH-14	Attachment VIII - Business Process Requirements, Sections 4.1.1 and 4.2.1
		JDH-15	Attachment VIII - Business Process Requirements, Sections 6.1.6 and 6.2
		JDH-16	Attachment III - Network Elements, Sections 7.2.1.11 and 7.2.1.11.4
W. Keith Milner	BellSouth	WKM-1	February 27, 1998 letter from Lee to Keys
		WKM-2	December 11, 1997 e-mail from Turner to Harris
		WKM-3	December 17, 1997 e-mail from Ash to Smith
		WKM-4	Sample letter to ICOs and CLECs
		WKM-5	May 5, 1998 e-mail from Bourne to Myler
		WKM-6	Amendment to Interprise America Agreement
		WKM-7	June 1, 1998 letter from Schmidt to Lee
		WKM-8	BellSouth Local Tandems and Subtending Offices in Florida
		WKM-9	June 2, 1998 letter from Nelson to Arrington
		WKM-10	June 10, 1998 e-mail from Cloz to Arrington

X. PROPOSED STIPULATIONS

There are no stipulations between MCI and BellSouth at this time.

XI. PENDING MOTIONS

There are no pending motions at this time.

It is therefore,

ORDERED by Commissioner J. Terry Deason, 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 J. Terry Deason, as Prehearing Officer, this 27th day of July, 1998.



J. Terry Deason, Commissioner
and Prehearing Officer

(S E A L)

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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

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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.