

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Rules 25-4.300,
F.A.C., Scope and Definitions;
25-4.301, F.A.C., Applicability
of Fresh Look; and 25-4.302,
F.A.C., Termination of LEC
Contracts.

DOCKET NO. 980253-TX
ORDER NO. PSC-99-0547-PCO-TX
ISSUED: March 26, 1999

ORDER ESTABLISHING PROCEDURES TO BE FOLLOWED
AT RULEMAKING HEARING

I. Background

The Commission has proposed amendments to Rules 25-4.300, F.A.C., Scope and Definitions; 25-4.301, F.A.C., Applicability of Fresh Look; and 25-4.302, F.A.C., Termination of LEC Contracts. The rules describe limited circumstances under which a customer may terminate an incumbent local exchange company (ILEC) contract service arrangement or tariffed term plan subject to a termination liability less than that specified in the contract. The rule proposal will be published in the Florida Administrative Weekly on April 2, 1999. The Commission set the matter for hearing on its own motion at its Agenda Conference on March 16, 1999.

II. Rulemaking Hearing

A rulemaking hearing is scheduled before the Commission at the following time and place:

9:30 a.m., May 12, 1999
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

The rulemaking hearing shall be governed by section 120.54(3)(c), Florida Statutes, and by Rule 28-103.004, Florida Administrative Code.

III. Prehearing Procedures and Deadlines

Any interested persons who are or will be requesting the Commission to adopt changes to the rules as proposed in the April 2, 1999, Florida Administrative Weekly shall prefile comments or

DOCUMENT NUMBER-DATE

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testimony no later than April 23, 1999. Any person may then prefile comments or testimony responding to the comments and testimony that are filed on April 23, 1999. The responsive comments and testimony must be filed no later than April 29, 1999. Rebuttal comments or testimony must be filed no later than May 6, 1999.

Prefiled comments and testimony shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches). If testimony is filed, each line shall be numbered.

All alternative rule proposals must be made in writing, with copies attached to prefiled comments or testimony. Changes or additions to the proposed rule text must be shaded, and explanations of those changes or additions with cross-references to page numbers of prefiled comments or testimony should be included in footnotes to the rule text.

Each exhibit intended to support prefiled comments or testimony shall be attached to that person's comments or testimony when filed, identified by his or her initials, and consecutively numbered beginning with 1.

An original and 15 copies of all comments, testimony, and exhibits must be filed with the Director, Division of Records and Reporting, by the close of business, which is 5:00 p.m. on the date due. Service on the following persons is required:

Barbara Auger, Esquire, Pennington, Moore, Wilkinson, Bell and Dunbar, Post Office Box 10095, Tallahassee, Florida 32302-2095

Laura L. Gallagher, Esquire, 204 S. Monroe Street, Suite 201, Tallahassee, Florida 32301

Kimberly Caswell, Esquire, GTE Florida Inc., Post Office Box 110, FLTC0007, Tampa, Florida 33601-0110

Nancy White, Esquire, c/o Nancy Sims, BellSouth Telecommunications, Inc., 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301-1556

Monica Barone, Esquire, Sprint Communications Co., Mailstop GAATLIN0802, 3100 Cumberland Circle, Atlanta, Georgia 30339

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Vicki Gordon Kaufman, Esquire, McWhirter, Reeves, McGlothlin, Davidson, Rief, and Bakas, PA, 117 South Gadsden Street, Tallahassee, Florida 32301

Marsha Rule, Esquire, AT&T Telecommunications of the Southern States, 101 North Monroe Street, Suite 7000, Tallahassee, Florida 32301

Robert Scheffel Wright, Esquire, Landers and Parsons, Post Office Box 271, Tallahassee, Florida 32302

Kenneth A. Hoffman, Esquire, Rutledge, Ecenia, Underwood, Purnell and Hoffman, PA, Post Office Box 551, Tallahassee, Florida 32302-0551

Rick Melson, Esquire, Hopping Green, Sams and Smith, Post Office Box 6526, Tallahassee, Florida 32314

Lynn B. Hall, Vista-United Telephone Company, 3100 Bonnet Creek Road, Lake Buena Vista, Florida 32830

Tom McCabe, Quincy Telephone Co., 107 W. Franklin Street, Quincy, Florida 32351

Bill Thomas, Gulf Telephone Company, 115 West Drew Street, Perry, Florida 32347

Robert M. Post, Jr., Indiantown Telephone Systems, Inc., 15925 S. W. Warfield Boulevard, Indiantown, Florida 34956

John M. Vaughn, St. Joseph Telephone and Telegraph Co., 502 Fifth Street, Port St. Joe, Florida 32456

Jeffry Whalen, Esquire, Ausley Law Firm, 227 South Calhoun Street, Tallahassee, Florida, 32301

Richard M. Rindler, Esquire, Swindler and Berlin, 3000 K Street N.W., Suite 300, Washington, DC 20008

Michael McRae, Esquire, TCG - Washington, 2 Lafayette Centre, 1133 Twenty-First Street, N.W., Suite 400, Washington, DC, 20036

Diana W. Caldwell, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862

IV. Hearing Procedures

The Commission staff will present a summary of the proposed rule amendments.

The first exhibit introduced into the record will be a composite exhibit prepared by staff, which will consist of the following documents: Florida Administrative Weekly notice and proposed rules; materials provided to the Joint Administrative Procedures Committee, which include the statement of facts and circumstances justifying the rules, statement on federal standards, and notice of rulemaking; a memorandum regarding a statement of estimated regulatory costs; and any material, including prefiled comments and attachments, that may be submitted pursuant to section 120.54, Florida Statutes. It shall not be necessary for participants to insert their prefiled comments and testimony into the record at the hearing. Copies of the first exhibit will be available at the hearing.

Following the staff presentation, affected persons will have the opportunity to present evidence and argument. It may be necessary to impose time limits for presentations, depending upon the number of participants. Persons with similar presentations should combine to make one presentation. Persons making presentations will be subject to questions from other persons. Such questions shall be limited only to those necessary to clarify and understand the presenter's position.

Persons who wish to participate at the hearing must register at the beginning of the hearing. The general order of presentation will be as follows:

Members of the Public
Alternative Local Exchange Companies
Incumbent Local Exchange Companies

The specific order of presentation will be determined by the presiding officer the morning of the hearing.

V. Posthearing Procedures

A transcript of the proceedings will be made available to the public on or about May 19, 1999, at cost.

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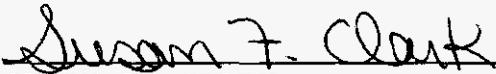
Participants may file posthearing comments no later than June 9, 1999, subject to change announced at the hearing. Posthearing comments shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

An original and 15 copies of all posthearing comments shall be filed with the Director, Division of Records and Reporting, by the close of business which is 5:00 p.m. on the date due.

Based on the foregoing, it is

ORDERED that this order shall govern the conduct of these proceedings, as set forth above, unless modified by the Commission.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 26th Day of March, 1999.



SUSAN F. CLARK
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 120.569(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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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.