

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
pricing of unbundled network
elements.

DOCKET NO. 990649-TP
ORDER NO. PSC-99-1658-PCO-TP
ISSUED: August 26, 1999

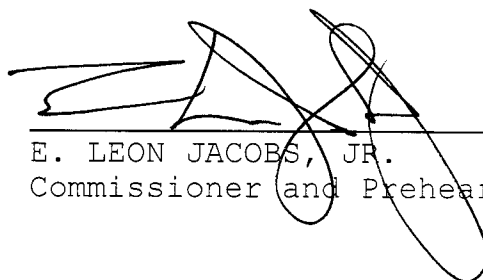
ORDER AUTHORIZING QUALIFIED REPRESENTATIVE STATUS

On July 22, 1999, Eric J. Branfman, Counsel for Florida Digital Network, Inc. (FDNI), filed a written request pursuant to Rule 28-106.106, Florida Administrative Code, for Morton J. Posner, Attorney, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, Northwest, Suite 300, Washington, D.C. 20007, to appear as Qualified Representative for FDNI in Docket No. 990649-TP. Having reviewed the request, it appears that Morton J. Posner has the necessary qualifications to responsibly represent FDNI's interests in a manner which will not impair the fairness of the proceeding or the correctness of the action to be taken. Having met the requirements of Rule 28-106.106(4), Florida Administrative Code, Morton J. Posner is authorized to appear as Qualified Representative on behalf of FDNI in this docket.

Based on the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that Morton J. Posner, Attorney, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, Northwest, Suite 300, Washington, D.C. 20007, is authorized to appear as Qualified Representative on behalf of Florida Digital Network, Inc., 390 North Orange Avenue, Suite 2000, Orlando, Florida 32801, in this docket.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 26th day of August, 1999.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

DC/ALC

DOCUMENT NUMBER-DATE

10230 AUG 26 99

*PSC RECORDS/REPORTING

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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.

Thursday, August 19, 1999, and Friday, August 20, 1999, have also been reserved for continuation of the hearing if needed. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.

PURPOSE AND PROCEDURE

The purpose of this hearing is to receive testimony and exhibits relative to the numeric conservation goals to be adopted by Florida Power & Light Company, Florida Power Corporation, Gulf Power Company and Tampa Electric Company.

At the hearing, all parties shall be given the opportunity to present testimony and other evidence on the issues identified by the parties at the prehearing conference held on August 16, 1999. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

PREHEARING CONFERENCE

The prehearing conference to be held before Chairman Joe Garcia, as Prehearing Officer, regarding the above-referenced matter, previously scheduled for the following time and place:

1:30 p.m., Monday, April 19, 1999
Betty Easley Conference Center, Room 148
4075 Esplanade Way
Tallahassee, Florida

has been **RESCHEDULED**. The prehearing will commence at:

1:30 p.m., Monday, August 16, 1999
Betty Easley Conference Center, Room 148
4075 Esplanade Way
Tallahassee, Florida

PURPOSE

The purpose of this prehearing conference is: (1) to define and limit, if possible, the number of issues; (2) to determine the parties' positions on the issues; (3) to determine what facts, if any, may be stipulated; (4) to dispose of any motions or other matters that may be pending; and (5) to consider any other matters that may aid in the disposition of this case

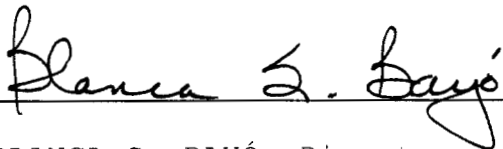
NOTICE OF **RESCHEDULING** OF HEARING AND PREHEARING
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JURISDICTION

This Commission is vested with jurisdiction over the subject matter by the provisions of Chapter 366, Florida Statutes. These proceedings will be governed by said Chapter as well as Chapter 120, Florida Statutes and Chapters 25-6, 25-7, 25-22, and 28-106, Florida Administrative Code.

Any person requiring some accommodation at this prehearing and hearing, because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

By DIRECTION of the Florida Public Service Commission, this 14th day of July, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

LJP/RVE

RECEIVED-PPSC ✓

M E M O R A N D U M

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August ²⁶23, 1999

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *PMC CB*

RE: DOCKET NO. 990649-TP - INVESTIGATION INTO PRICING OF UNBUNDLED NETWORK ELEMENTS.

1658-PCO

Attached is an ORDER AUTHORIZING QUALIFIED REPRESENTATIVE STATUS, to be issued in the above-referenced docket.

(Number of pages in order - 2)

MUST GO TODAY

DC/ALC/dr

Attachment

cc: Division of Communications (Ollila, Dowds, King)

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*faxed- 27/3
mailed-*