

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of  
proposed numbering plan relief  
for the 941 area code.

DOCKET NO. 000604-TL  
ORDER NO. PSC-01-1593-PHO-TL  
ISSUED: August 2, 2001

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code, a Prehearing Conference was held on Monday, July 23, 2001, in Tallahassee, Florida, before Commissioner Michael A. Palecki, as Prehearing Officer.

APPEARANCES:

KIMBERLY D. WHEELER, ESQUIRE, 1120 Vermont Avenue, N.W.,  
Suite 400, Washington, D.C. 2005  
On behalf of NeuStar, Inc.

SUSAN S. MASTERTON, ESQUIRE, Post Office box 2214, MC:  
FLTLHO0107, Tallahassee, Florida 32399-2214  
On behalf of Sprint-Florida, Incorporated, Sprint  
Communications Company Limited Partnership and Sprint  
PCS.

KIMBERLY CASWELL, ESQUIRE, Post Office Box 110, FLTC0007,  
Tampa, Florida 33601-0110  
On behalf of Verizon Florida Inc.

PATRICK K. WIGGINS, ESQUIRE, AND NATALIE B. FUTCH,  
ESQUIRE, Katz, Kutter, Haigler, Alderman, Bryant & Yon,  
P.A., 106 East College Avenue, Tampa, Florida 33619  
On behalf of Verizon Wireless.

MARTHA YOUNG BURTON, ESQUIRE, 18500 Murdock Circle, Port  
Charlotte, Florida 33948-1094  
On behalf of Charlotte County, Manatee County, and  
Sarasota County.

DAVID RAMBA, ESQUIRE, 125 South Gadsden Street, Suite  
300, Tallahassee, Florida 32301, and SUSAN ISRAEL, 5565  
Glenridge Connector, Room 1784F, Atlanta, Georgia 30342-  
4756  
On behalf of Cingular Wireless

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ROBERT H. BERNTSSON, ESQUIRE, City Hall, 326 West Marion Avenue, Punta Gorda, Florida 33950-4492  
On behalf of City of Punta Gorda.

JIM WIGGINS, ESQUIRE, 3301 E. Tamiami Trail, Naples, Florida 33962  
On behalf of Collier County

CHARLES J. BECK, ESQUIRE, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400  
On behalf of The Citizens of Florida.

C. LEE FORDHAM, 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 this case.

##### **II. CASE BACKGROUND**

On September 19, 2000, the North American Numbering Plan Administrator, on behalf of the telecommunications industry, filed a petition requesting approval of a relief plan for the 941 area code. Service hearings have been held in each of the affected Counties, and the matter is now set for a technical hearing on August 16, 2001.

This Commission has jurisdiction to address this matter pursuant to Section 364.01, Florida Statutes, and has been specifically authorized to address numbering issues pursuant to 47 U.S.C. §151 et. Seq., 47 C.F.R. §§ 52.3 and 52.19, FCC Order 99-

249, FCC Order 00-104, and FCC Order 00-429. In accordance with 47 C.F.R. §§ 52.3

### 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, 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.

1. Any party intending to utilize confidential documents at hearing for which no ruling has been made, must be prepared to present their justifications at hearing, so that a ruling can be made at hearing.

2. In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- a) 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.

- b) 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.
- c) 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.
- d) 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.
- e) 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 the Commission Clerk and Administrative Services's 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 included in that statement. 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. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, Florida Administrative Code, 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 40 pages, and shall be filed at the same time.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties 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. Summaries of testimony shall be limited to five minutes. 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.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes

the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

VI. ORDER OF WITNESSES

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
Thomas C. Foley	NeuStar	1 and 2
Sandra Khazraee	Sprint	1, 2, 3 and 4
Beverly Y. Menard	Verizon-FL	1, 2, 3 and 4
Dana Smith	Verizon Wireless	1, 2, 3 and 4
Elliott Kampert	Charlotte County	1, 2, 3 and 4
Joe McClash	Manatee	1 and 2
Mac V. Horton	Charlotte County	1, 2, 3 and 4
Bill Wishard	Punta Gorda	1, 2, 3 and 4
Shannon Staub	Sarasota	1 and 2
Gregg D. Feagans	Sarasota	1 and 2
William W. Couch	Sarasota	1 and 2
Virginia J. Haley	Sarasota	1 and 2
<u>Rebuttal</u>		
R. Earl Poucher	OPC	1, 2, 3 and 4

VII. BASIC POSITIONS

NEUSTAR:

NANPA's basic position in this proceeding is that, in accordance with industry guidelines, NANPA's role is to facilitate the Florida telecommunications industry to reach consensus to recommend a single relief plan for the 941 NPA to the Florida PSC. In furtherance of that goal and in accordance with industry guidelines, NANPA compiled and filed a petition with the PSC requesting approval of the industry's

recommended relief plan for the 941 area code. As a neutral third party administrator, NANPA has no independent view regarding the NPA relief plan selected by the PSC.

**SPRINT:**

The Commission should approve the industry's consensus plan for relief for the 941 area code. The overlay plan is the best long-term solution for this area. With an overlay, no existing customers within the 941 area would be required to take a number change. Additionally, all customers within the 941 area code would have to dial 10 digits. All of the proposed geographic splits will require at least some customers to dial 10 digits on certain local calls, but 7 digits on other local calls. Although the all-services overlay is the best solution, if a split is required, then Alternative 4 is the preferred split.

**VERIZON-FL:**

The Commission should approve the industry's consensus plan for relief for the 941 area code. That plan, a distributed overlay, is the least disruptive and longest-term solution for the area at issue, which just had an area code split a relatively short time ago. Unlike another area code split, the distributed overlay will not require any customer number changes. While there is no one solution that will satisfy all customers, an overlay is probably inevitable in the not-too-distant future. It is better to implement this long-term solution now, rather than implementing additional splits, which cause controversy and confusion every time they occur.

**VERIZON WIRELESS:**

The Commission should approve the industry consensus relief plan, which is an all-services distributed overlay. Although no solution is without cost or customer impact, the overlay proposal best serves the public interest because it is practical, cost-effective, flexible, fair, and forward-looking. An overlay best meets the goal of providing long-term area code relief while causing the least possible customer disruption. With an overlay there is no need to pick winners and losers, by allowing only one side of a split to retain existing phone numbers. An overlay also eliminates the often daunting task of determining the best location for the split

line so that it does not interrupt local calling areas, county boundaries, or communities of interest.

Verizon Wireless opposes a geographic split. Although the Commission traditionally has preferred geographic splits, it is yesterday's solution to today's problem. Geographic splits place a significant and undue burden on wireless customers and carriers because of the corresponding need to reprogram wireless handsets.

**CHARLOTTE:**

Charlotte County supports 941 NPA Relief Alternative No. 4, a geographic split between the Punta Gorda and the North Fort Myers Exchanges following the Charlotte-Lee County line. The citizens of Charlotte County strongly oppose the all services distributed overlay relief plan described as 941 NPA Relief Alternative No. 1, chosen as the industry's consensus. It is Charlotte County's position that the three northern counties described as "Area A" (Charlotte, Sarasota, and Manatee) should keep the 941 area code, with the new area code assigned to "Area B."

**PUNTA GORDA:**

Punta Gorda supports 941 NPA Relief Alternative No. 4, a geographic split between the Punta Gorda and the North fort Myers Exchanges following the Charlotte-Lee County line. The citizens of Punta Gorda strongly oppose the all services distributed overlay relief plan described as 941 NPA Relief Alternative No. I, chosen as the industry's consensus. It is Punta Gorda's position that the three northern counties described as "Area A" (Charlotte, Sarasota, and Manatee) should keep the 941 area code, with the new area code assigned to "Area B."

**SARASOTA:**

Frequent changes to the area code have a significant impact on the governmental emergency services as well as on the continued economic development of the County. Sarasota County was a party in the previous 941 NPA Relief docket two years ago. At that time, Sarasota County had proposed what is today Alternative 4. That alternative was not considered two years ago because it necessitated a two-way split in the 941 NPA,



which the industry argued against even though it had been done in other areas of the country. In this proceeding, Alternative 4 is the industry's second choice, and remains Sarasota County's preferred choice. The projected exhaust period for area "A" of Alternative 4 is 7 years. Sarasota County strongly encourages the Public Service Commission to seek approval from the Federal Communications Commission to implement number conservation measures in the 941 NPA so as to further extend this projected exhaust period. It is Sarasota County's position that the all-services overlay is not a viable alternative as it creates confusion for the County's significant senior population as well as the tourist industry and effectively undermines the concept of a unified, interactive business community. Sarasota County also strongly objects to Alternative 2 on the grounds that it splits the communities of interest in the Englewood, Port Charlotte and North Port area and also splits Charlotte County and Sarasota County. Alternative 3 is also not a viable alternative as it splits the communities of interest in Charlotte County.

**MANATEE:**

Manatee County concurs and adopts Sarasota County's position.

**OPC:** The Commission should approve a geographic split of the 941 area code as specified in Alternative Relief Plan 4.

**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

A. What is the Commission's jurisdiction in this matter?

**POSITIONS**

**NEUSTAR:**

At this time, NANPA has no statement regarding which questions of fact, law or policy are at issue.

**SPRINT:**

The Commission has jurisdiction to select the appropriate plan for NPA relief.

**VERIZON-FL:**

The extent of the Commission's jurisdiction will depend on what type of solution it is considering for relief in the 941 area code. In any event, the Commission has the authority to order the overlay solution agreed upon by the industry.

**VERIZON WIRELESS:**

Verizon Wireless will address this legal question in its post hearing brief.

**CHARLOTTE:**

Under Federal regulations, the Commission has jurisdiction over the introduction of new area codes and may direct whether area code relief takes the form of a geographic split, an overlay area code, or boundary realignment. The Commission may also develop the details of proposed area code relief plan(s).

In addition to the general authority described above, the Commission also has "Additional Authority to Implement Number Conservation Measures" as granted by FCC Order 99-249 (September 15, 1999).

**PUNTA GORDA:**

Under Federal regulations, the Commission has jurisdiction over the introduction of new area codes and may direct whether area code relief takes the form of a geographic split, an overlay area code, or a boundary realignment. The Commission may also develop the details of proposed area code relief plan(s). In addition to the general authority described above, the Commission also has "Additional Authority to Implement

Number Conservation Measures" as granted by FCC Order 99-249 (September 15, 1999).

**SARASOTA:**

Sarasota County adopts Charlotte County's position.

**MANATEE:**

Manatee County concurs and adopts Charlotte County's position.

**OPC:** The Commission is responsible for selecting the best plan to provide for NPA relief that is in the public interest.

**STAFF:**

This Commission is vested with jurisdiction pursuant to Sections 364.01 and 364.16(4), Florida Statutes, and 47 C.F.R. §§ 52.3 and 52.19.

**ISSUE 1:** Should the Commission approve the industry's consensus relief plan for the 941 area code?

**POSITIONS**

**NEUSTAR:**

At this time, NANPA has no statement regarding which questions of fact, law or policy are at issue.

**SPRINT:**

Yes. The industry unanimously agreed that the all-services overlay plan is the preferred form of relief in the 941 NPA.

**VERIZON-FL:**

Yes. The overlay plan that was unanimously approved by the current code holders in the 941 area code is the best long-term relief solution. Unlike another area code split, the overlay will not require any customer number changes. A split is likely inevitable in the not-too-distant future, and it is better to implement it now rather than forcing customers to undergo still more controversial and confusing area code splits.

**VERIZON WIRELESS:**

Yes. The Commission should approve the industry's consensus relief plan for the 941 area code: an all-services distributed overlay. There are three key reasons an all-services overlay for the 941 area code best serves the public interest: 1) overlays minimize customer disruption caused by frequent area code changes; 2) overlays eliminate the need to draw arbitrary boundaries and to guess at growth projections; and 3) overlays dovetail with conservation measures such as thousands-block number pooling and reclamation.

Given these benefits, the overlay proposal is the most cost-effective solution; moreover, it is the least confusing and least disruptive to both landline and wireless customers, and it will facilitate efficient use of numbers in the future. The alternative geographic split proposals are disproportionately burdensome for wireless customers who are located on the losing side of the split line, because their telephones would have to be reprogrammed. Verizon Wireless alone serves tens of thousands of such customers.

**CHARLOTTE:**

No, the Commission should not approve the industry's consensus relief plan for the 941 area code (both witnesses).

**PUNTA GORDA:**

No, the Commission should not approve the industry's consensus relief plan for the 941 area code (Wishard).

**SARASOTA:**

A resounding "no". As evidenced by the testimony at the customer service hearings in May, the citizens and business leaders of Sarasota County strongly oppose and overlay. It is a burdensome, confusing solution that adversely impacts new businesses, causes potential delay in the implementation of emergency management services, and creates confusion for the substantial senior population.

**MANATEE:**

Manatee County concurs and adopts Sarasota County's position.

**OPC:** The Commission should reject the industry's consensus relief plan because it is not in the public interest.

**STAFF:**

Staff has no position at this time.

**ISSUE 2:** If the Commission does not approve the industry's consensus relief plan for the 941 area code, what alternative relief plan should the Commission implement?

**POSITIONS**

**NEUSTAR:**

At this time, NANPA has no statement regarding which questions of fact, law or policy are at issue.

**SPRINT:**

If the Commission determines that a split is required, then Alternative 4 is the preferred split.

**VERIZON-FL:**

If, contrary to the industry's recommendation, the Commission orders a geographic split instead of the overlay plan, then it should probably devise a split that keeps customers in Manatee, Sarasota and Charlotte counties in the same area code. If the overlay is implemented, all local calls would be dialed on a ten-digit basis.

**VERIZON WIRELESS:**

Verizon Wireless strongly supports implementation of an overlay because all three of the geographic split alternatives will impact our customers and business negatively. An overlay makes sense given the history of this area code and the fact that the 941 NPA was split just last year. Mandatory dialing for the 941/863 split began May 22, 2000 and by July 2000 the industry was already attending a new round of relief planning meetings for the 941 NPA due to the faulty split line. An overlay is warranted this time around to avoid the difficulties of determining an appropriate split line and to avoid fracturing the 941 NPA into even smaller parts.

If, however, the 941 area code is split, wireless carriers should be given the option to allow their subscribers to keep their existing telephone numbers (e.g. wireless grandfathering) or be granted an extended permissive dialing period allowing sufficient time to reprogram their customers' phones. Many other states, including Michigan, Virginia, Arizona, Wisconsin, and Louisiana have provided for wireless grandfathering or have allowed extended permissive dialing.

**CHARLOTTE:**

The Commission should implement NPA Relief Alternative No. 4 (both witnesses).

**PUNTA GORDA:**

The Commission should implement NPA Relief Alternative No. 4 (Wishard).

**SARASOTA:**

Alternative 4 is the least disruptive alternative and is widely endorsed by the business community and residents of Sarasota County. There is a strong community of interest among Charlotte County, Sarasota County and Manatee County that Alternative 4 would maintain and help prosper.

**MANATEE:**

Manatee County concurs and adopts Sarasota County's position.

**OPC:** The Commission should adopt alternative relief plan 4 and the Commission should refrain from establishing optional and mandatory implementation dates until exhaust is imminent.

**STAFF:**

Staff has no position at this time.

**ISSUE 3:** What number conservation measures, if any, should the Commission implement?

**POSITIONS**

**NEUSTAR:**

At this time, NANPA has no statement regarding which questions of fact, law or policy are at issue.

**SPRINT:**

The Commission should not implement any number conservation mechanisms in this docket. Docket No. 981444-TP is the appropriate vehicle for considering number conservation issues.

**VERIZON-FL:**

The Commission should not implement any number conservation measures in this docket. Any such measures should be considered in the ongoing generic numbering docket (number 981444-TP), so all interested parties can have input and any conservation measures can be implemented uniformly statewide.

**VERIZON WIRELESS:**

This issue should be addressed in the generic proceeding (Docket No. 981444-TP). In general, the Commission should adopt conservation measures that conform to national standards. Such measures would include reasonable reclamation procedures, fill rates, and thousand-block pooling to facilitate local number portability. These measures must promote, not frustrate, the ability to satisfy customer demand for new numbers. Thus, conservation measures must be flexible and must enable non-pooling capable carriers to access full NXX codes. For example, in establishing fill rates, the Commission should implement a "safety valve." A safety valve would allow a carrier, under appropriate circumstances, to access numbers when necessary to meet customer demands for numbers.

**CHARLOTTE:**

The Commission should implement all number conservation measures enumerated in FCC Order 99-249, including thousand-block pooling, reclaiming unused and reserved codes, setting number allocation standards, requesting number utilization data from all carriers, implementing code sharing, and implementing rate center consolidation (both witnesses).

**PUNTA GORDA:**

The Commission should implement all number conservation measures enumerated in FCC Order 99-249, including thousand-block pooling, reclaiming unused and reserved codes, setting number allocation standards, requesting number

utilization data from all carriers, implementing code sharing, and implementing rate center consolidation (Wishard).

**SARASOTA:**

During the 1999 941 NPA relief hearings, the Commission indicated that it would be pursuing number conservation measures. To date, that has not occurred in the 941 NPA. The Commission should actively pursue implementing number conservation measures in the 941 NPA by soliciting local government and citizen involvement and interaction with the Federal Communications Commission.

**MANATEE:**

Manatee County concurs and adopts Sarasota County's position.

**OPC:** The Commission should take steps to implement number pooling and code sharing. The Commission should take additional steps to investigate the feasibility of a technology specific relief plan involving cellular companies.

**STAFF:**

Staff has no position at this time.

**ISSUE 4:** If number conservation measures are to be implemented, when should they be implemented?

**POSITIONS**

**NEUSTAR:**

At this time, NANPA has no statement regarding which questions of fact, law or policy are at issue.

**SPRINT:**

As stated in response to Issue 3, number conservation measures should not be included in this docket.

**VERIZON-FL:**

As Verizon pointed out in its response to Issue 3, this docket is not the proper forum for implementation of number conservation measures.



**VERIZON WIRELESS:**

The Commission should implement number conservation measures as soon as practicable. Number conservation is not, however, a substitute for area code relief when the area code is already too depleted to meet the numbering needs of all carriers.

**CHARLOTTE:**

The Commission should implement number conservation measures as soon as possible (both witnesses).

**PUNTA GORDA:**

The Commission should implement number conservation measures as soon as possible (Wishard).

**SARASOTA:**

Sarasota County adopts Charlotte County's position.

**MANATEE:**

Manatee County concurs and adopts Charlotte County's position.

**OPC:** Number conservation measures should be implemented on an expedited basis.

**STAFF:**

Staff has no position at this time.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Thomas C. Foley	NeuStar	<hr/> (TCF-1)	Petition of the North American Numbering Plan Administrator on Behalf of the Florida Telecommunications Industry for Approval of a Relief Plan for the 941 Area Code, and attachments thereto, originally filed with the P S C on September 19, 2000.
Elliott Kampert	Charlotte County	<hr/> (EK-1)	Major plotted subdivisions within Charlotte County
		<hr/> (EK-2)	Regional permitting activity
		<hr/> (EK-3)	Existing and proposed preserves and conservation lands

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Elliott Kampert	Charlotte County	_____	W a t e r
		(EK-4)	Management
		_____	D i s t r i c t
Mac V. Horton	Charlotte County	(EK-5)	boundaries
		_____	P o p u l a t i o n
		(EK-6)	data
		_____	Recent census
		(MVH-1)	data
		_____	C h a r l o t t e
(MVH-2)	County Florida		
_____	"Statistical		
(MVH-3)	Prospectus"		
_____	2001 Edition		
_____	C h a r l o t t e		
_____	County 2001		
_____	Chamber of		
_____	C o m m e r c e		
_____	visitors Guide		
_____	J o i n t C o u n t y		
_____	Commission		
_____	meeting agenda		

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

X. PROPOSED STIPULATIONS

There are no proposed stipulations at this time.

XI. PENDING MOTIONS

There are no pending motions at this time.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality matters at this time.

XIII. RULINGS

A. City of Punta Gorda's Motion to Accept Late-Filed Prehearing Statement is granted.

B. Cingular Wireless' ore tenus Motion to Intervene for the Limited Purpose of Filing a Post-Hearing Brief is granted.

C. Opening statements are waived by all parties.

It is therefore,

ORDERED by Commissioner Michael A. Palecki, 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 Michael A. Palecki, as Prehearing Officer, this 2nd Day of August, 2001.



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MICHAEL A. PALECKI  
Commissioner and Prehearing Officer

( S E A L )

CLF

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 the Commission Clerk and Administrative Services, 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.