

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs and for investigation of BellSouth's promotional pricing and marketing practices, by Florida Digital Network, Inc.

DOCKET NO. 020119-TP
ORDER NO. PSC-02-0331-PCO-TP
ISSUED: March 13, 2002

ORDER TO INITIATE EXPEDITED DISCOVERY PROCEDURE

On January 31, 2002, BellSouth Telecommunications, Inc.'s Key Customer promotional tariff, Tariff No. T-020035, became effective as filed. On February 14, 2002, Florida Digital Network, Inc. (FDN) filed a Petition for Expedited Review and Cancellation of BellSouth Telecommunications, Inc.'s Key Customer Promotional Tariffs and For An Investigation of BellSouth Telecommunications, Inc.'s Promotional Pricing and Marketing Practices (Petition). On March 5, 2002, BellSouth Communications, Inc. (BellSouth) filed its Response and Answer to FDN's Petition.

The promotional tariff at issue is currently effective and terminates on June 25, 2002. Because of the limited duration of this tariff and because customers may continue to avail themselves of this tariff option while a determination as to its validity is pending before us, I find that it is appropriate in this unique circumstance to establish an expedited discovery procedure. I issue this Order pursuant to Rule 28-106.211, Florida Administrative Code, with the expectation that it will prevent delay and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based on the foregoing, when discovery requests are served and the respondent intends to object to or ask for clarification of the discovery request, the objection or request for clarification shall be made within five business days of service of the discovery request. Also, discovery responses must be expedited in order to allow parties and Commission staff an adequate opportunity to review the information. Therefore, all discovery responses shall

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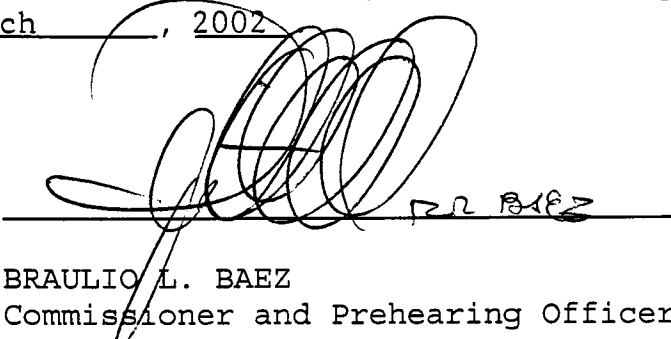
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be due 10 calendar days after service of the request, with no additional time for mailing. All discovery requests shall be served by hand delivery, electronic mail, or facsimile with a hard copy to follow by U.S. Mail or hand delivery. Responses to interrogatories, and where practicable production of documents, shall also be served by hand delivery, electronic mail, or facsimile, with a hard copy to follow by U.S. Mail or hand delivery. Pursuant to Rule 28-106.206, Florida Administrative Code, unless subsequently modified by the Prehearing Officer, the following shall apply: interrogatories, including all subparts, shall be limited to 150, and requests for production of documents, including all subparts, shall be limited to 75. In addition, parties are reminded that the procedures for treatment and handling of confidential information are set forth in Rule 25-22.006, Florida Administrative Code.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that discovery shall proceed in this Docket as set forth in the body of this Order.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 13th Day of March, 2002



BRAULIO L. BAEZ
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 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.