

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review of BellSouth Telecommunications, Inc.'s intrastate tariffs for pay telephone access services (PTAS) rate with respect to rates for payphone line access, usage, and features, by Florida Public Telecommunications Association.

DOCKET NO. 030300-TP
ORDER NO. PSC-03-0622-PCO-TP
ISSUED: May 23, 2003

ORDER DENYING REQUEST FOR EXPEDITED RELIEF

On March 26, 2003, the Florida Public Telecommunications Association (FPTA) filed a Petition for Expedited Review of BellSouth, Telecommunications, Inc.'s (BellSouth) Tariffs with Respect to Rates for Payphone Line Access, Usage, and Features. In its Petition, FPTA requests a review of BellSouth's intrastate tariffs involving pay telephone access services (PTAS) for compliance with Chapter 364, Florida Statutes, Section 276 of the Telecommunications Act of 1996 (the Act), and orders of the Federal Communications Commission (FCC) implementing Section 276 of the Act. FPTA did not offer any support for its request for expedited review.

On April 15, 2003 BellSouth filed its Answer and a Motion to Dismiss FPTA's Petition. Neither document addressed FPTA's request for expedited review. On the same date, FPTA filed a Motion for Extension of Time in which to Respond to the Motion to Dismiss filed by BellSouth, requesting the filing date be extended until May 9, 2003. By Order No. PSC-03-0538-PCO-TP, issued April 25, 2003, the filing date was extended, and FPTA filed its response on May 9, 2003.

Decision

Although our rules do not specifically address expedited review of petitions, procedures for the expedited resolution of complaints arising from interconnection agreements under Section 252 of the Act were set forth in Order No. PSC-02-0935-PCO-TL, issued July 12, 2002, citing to a June 10, 2001, Commission memorandum from the Director of Legal Services to the Chairman. The following three criteria were set forth for expeditious processing of interconnection agreement complaints:

1. Complaint is limited to three issues (no subparts);
2. Complaint is limited to issues of contract interpretation; and
3. Parties do not dispute the actions each took (rightly or wrongly) under the contract.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

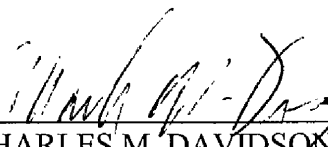
Since this docket is not a complaint involving an interconnection agreement limited to issues of contract interpretation, it is beyond the scope of the expedited process outlined in the memorandum. Even if the Order could be applied to this docket, this docket involves more complicated issues than a contract interpretation dispute, as it embraces issues of both fact and law. Further, FPTA has not alleged any emergency basis on which to evaluate the necessity of having an expedited schedule.

For the reasons stated above, FPTA's petition is denied. However, I note that pursuant to Rule 28-106.211, Florida Administrative Code, the presiding officer before whom a case is pending may issue any orders necessary to prevent delay and promote the just, speedy, and inexpensive determination of all aspects of the case. I encourage the parties to work together in a manner that avoids unnecessary delay.

Based on the foregoing, it is

ORDERED by Charles M. Davidson, as Prehearing Officer, that the Florida Public Telecommunications Association's Request for Expedited Review of BellSouth Telecommunications, Inc.'s Tariffs with Respect to Rates for Payphone Line Access, Usage, and Features is denied.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 23rd day of May, 2003.



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

(S E A L)

LHD

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; or (2) 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.